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### *ERRATA.*

At the end of the amended Resolution as it appears at the foot of page 506 of the Legislative Assembly Debates, of the 1st March 1921, *add* the words—

‘and for the protection of trade unions.’

And at page 585 of the above Debates of the 5th March 1921, in line 21, *for* the word ‘opium’ *read* ‘Bombay.’

# LEGISLATIVE ASSEMBLY.

Wednesday, 9th March 1921.

The Assembly met in the Assembly Chamber at Eleven of the Clock. The Honourable the President was in the Chair.

## MEMBER SWORN:

11 A.M. Mr. Mahomed Ali Hajeebhoy, M.L.A.

## STATEMENT LAID ON THE TABLE.

**Mr. H. Sharp:** Sir, I beg to lay on the table the information promised in reply to a question by Beohar Raghbir Sinha on the 17th February\* 1921, regarding the withdrawal of students from Government and Government aided colleges and the number of pleaders who have suspended their practice in pursuance of the Indian National Congress Non-co-operation Resolution.

*Statement showing official information regarding the number of students who have so far withdrawn themselves from Government and Government aided colleges and the number of pleaders who have suspended their practice in pursuance of the Indian National Congress Non-co-operation Resolution.*

Presidency or Province.	Number of students who have withdrawn.	Number of pleaders who have suspended practice.	REMARKS.
Madras . . . . .	Not exceeding 40.	No instance officially reported.	
Bombay . . . . .	†	23	† Absentees, mostly due to non-co-operation, from Government aided or recognised colleges, number 241. This figure is not quite complete.
Bengal . . . . .	115†	9	† Including 17 expelled from Dacca College.
United Provinces . . . . .	340	5	
Punjab . . . . .	25	17	
Burma . . . . .	509	Nil	
Bihar and Orissa . . . . .	198	13§	§ This figure is probably incomplete.
Central Provinces . . . . .	155	30	
Assam . . . . .	1	1	Excluding 56 absentees.
North-West Frontier Province . . . . .	Nil	Nil	
Coorg . . . . .	Nil	Nil	
Delhi . . . . .	22	Nil	
Administered Areas . . . . .	54¶	1	¶ Excluding 2 absentees whose intentions are doubtful.

\* NOTE.—Most of the above figures have reference to the condition of things existing in the first part of February.

Vide pages 131 and 132 of Legislative Assembly Debates, Volume I, No. 4.

**Sir Frank Carter:** Sir, may I ask whether this statement of provisional meetings of the Legislative Assembly during March, dated the 17th February, can be relied upon?

**The Honourable the President:** I think the Honourable Member may rely on the statement, but the fact that it contains the word "provisional" indicates its character.

**Sir Frank Carter:** I wish to know, Sir, whether the dates of the Assembly meetings for March are fixed?

**The Honourable the President:** Is the Honourable Member reading from a circular of the Department?

**Sir Frank Carter:** Yes, I am, Sir.

**The Honourable the President:** The last circular issued by the Department shows the dates as fixed on the date on which it was issued.

## THE BUDGET—LIST OF DEMANDS.

### THE SECOND STAGE.

#### *Expenditure from Revenue.*

**Mr. C. A. Innes:** Sir, I beg to move

‘That a sum not exceeding Rs. 66,95,000 be granted to the Governor General in Council Customs. to defray the charge which will come in the course of payment during the year ending the 31st March 1922, for the administration of Customs.’

**Sir P. S. Sivaswamy Aiyer:** Sir, I beg to move this Demand, that the item . . . .

**Rao Bahadur T. Rangachariar:** My motion on this head comes first, Sir.

**The Honourable the President:** The motion which stands first on the original list of motions is one which can only be moved when the vote as a whole is put from the Chair at the end. Demands for individual reductions of parts of the vote must be put first, otherwise the Honourable Member's motion excludes all the others.

### LIVERIES AND CLOTHING FOR SUPERIOR OFFICERS.

**Sir P. S. Sivaswamy Aiyer:** Sir, I beg to move

‘That the item on page 2 of this\* Bluebook under the head of Customs, Liveries and Clothing for Superior Officers, Rs. 1,000 be cut out.’

I can understand the necessity for liveries and clothing for inferior officers or menial servants, but I do not understand the necessity for liveries for superior officers, or for clothing for superior officers, or for making a provision for these things at the expense of Government. That is my reason for this proposal to cut out the item Liveries and Clothing for Superior Officers.

**Mr. C. A. Innes:** I should like to explain, Sir, that the different Local Governments are responsible for the direct administration of Customs, and

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\* Demands for grants for expenditure of the Central Government for 1921-22.

they prepare these Budgets. I have no definite information as to what Liveries and Clothing for Superior Officers means, but I think I am correct in saying that it is a grant of a small amount of Rs. 30 a year which is given to Preventive Officers for the uniform which those officers are required to wear. In the circumstances I hope that the House will allow this small charge to stand. It does not actually refer to superior officers. I do not think it is intended to supply the Collector of Customs with khaki shorts and shirts. It is only intended for these Preventive Officers.

**Sir P. S. Sivaswamy Aiyer :** What is the pay of these officers ?

**Mr. C. A. Innes :** Their pay ranges from Rs. 40 to Rs. 300.

**The Honourable the President :** The question is,

‘That the item on page 2 of this Bluebook under the head of Customs, Liveries and Clothing for Superior Officers, Rs. 1,000 be cut out.’

The motion was negatived.

#### REVISION OF ESTABLISHMENT OF MADRAS CUSTOMS HOUSE.

**Mr. B. Venkatapatiraju :** I beg to move

‘That lump provision for revision of establishment at the Madras Customs House be reduced by Rs. 50,000.’

At page 3 we find that the lump provision for revision of establishment at the Madras Customs House is Rs. 1,50,000. My proposal is to reduce it by Rs. 50,000. My chief ground is that of economic considerations.

I think if the Government will take into consideration the present situation and deficit in the Budget, they might as well be satisfied with a less amount, and I think that this amount of Rs. 50,000 can very well be spared.

**Mr. C. A. Innes :** This provision is for the revision of the pay of the establishment of the Customs House. I agree with the Honourable Member that the provision which is being made by the Government of Madras is excessive having regard to the existing cost of these establishments. I am quite prepared to agree to the reduction of the grant by Rs. 50,000.

**The Honourable the President :** The question is,

‘That lump provision for revision of establishment at the Madras Customs House be reduced by Rs. 50,000.’

The motion was adopted.

**Mr. J. K. N. Kabraji :** May I ask if clause (a) has been dropped in Mr. Venkatapatiraju's motion ?

**The Honourable the President :** Clause (a) happens to be printed in the wrong place—it refers to all votable items under Customs. Therefore, the motions for reduction dealing with each Government item in particular take precedence of motions dealing with the whole.

#### ESTIMATE FOR LOCAL ALLOWANCES.

**Mr. B. Venkatapatiraju :** Sir, on page 4 I see that last year in the Budget, Rs. 69,576 was the estimate for local allowance. This year it is Rs. 94,139 I beg to move

‘That the Government reduce it to last year's estimate.’

**Mr. C. A. Innes :** These local allowances are given to meet the high cost of living in Bombay. The only explanation I can offer for the increase in the estimate for local allowance is that, as will be seen from the details of establishment on page 4, the establishment has been increased. That increase is probably the reason for the increase in the amount of local allowances.

**Mr. B. Venkatapatiraju :** May I ask why, in the Budget for 1919, there was no provision for local allowances ?

**Mr. C. A. Innes :** I can only suggest, Sir, that the local allowances were given owing to the increased cost of living during the last two years. My friend Mr. Aiyer has explained to me that the Local Government has given these allowances to its own staff, and that the Customs establishment are given allowances on the same scale.

**The Honourable the President :** The question is, that local allowance (page 4) be reduced from Rs. 94,139 to Rs. 69,576.

The motion was negatived.

#### CUSTOMS RECREATION CLUB.

**Sir P. S. Sivaswamy Aiyer :** Sir, I rise to move

‘That the item at the end of page 4, ‘Contribution towards the maintenance of the Customs Recreation Club Rs. 2,400,’ be cut out.’

I am not aware of any principle underlying this proposal to contribute towards the maintenance of the Customs Recreation Club. I do not know that the Government make any provision for recreation clubs for other departments, and I see no reason why a recreation club should be provided for the Customs Department alone. In any event, there is no justification for this provision, and I move that it be cut out.

**Mr. C. A. Innes :** I must explain, Sir, that this contribution towards the maintenance of the Customs Recreation Club is made from certain fees which are collected from steamers and owners for work done on Sundays. We collect from steamers and owners fees for overtime, that is, we charge them for the work performed by our preventive officers, who have to be on duty when steamers work at night or on holidays and Sundays; and in order to reduce, as far as possible, the working of steamers on Sundays, we make a special additional charge for Sunday work. It has been ruled by the Secretary of State—and I think rightly—that as this charge is levied for this particular object, that is for the purpose of reducing Sunday working, that Government ought not to make any profit out of these special fees. The consequence is that these fees or the bulk of income are devoted to charity in Calcutta and Rangoon and also in Bombay to a less extent. I quite agree that the whole question of the disposal of these fees requires looking into, and I have now on my table a file which I have not yet had time to study regarding these Sunday fees. I hope to be able to regularise the distribution of these fees on uniform lines throughout all ports. But I think this House will recognise that since the fees are derived from the work of the preventive officers on Sundays, it is only right that we should devote a small portion of these fees to welfare work among our preventive officers. It is a small

contribution and one of long standing. In these circumstances, I hope the House will not accept the motion.

**Babu K. C. Neogy :** May I inquire whether the Club is open to the Indian employees of the Customs Department?

**Mr. C. A. Innes :** I have no information, Sir. It is a Customs House Club and I presume therefore that it is open to all.

**Sir Jamsetjee Jeejeebhoy :** May I inquire where the Club is situated. Is it in the three ports the Honourable Member mentioned just now?

**Mr. C. A. Innes :** I think that in all major ports there are these Recreation Clubs. In Calcutta we make a small contribution from the Sunday Fees Fund not to any Club, but to a service fund established to help junior Preventive Officers and Members of their family in cases of sickness. In Rangoon a very small contribution is made to the Customs Club, and in Bombay, as I have explained, this small contribution is similarly made to the Recreation Club.

**Dr. H. S. Gour :** May I inquire what proportion this Rs. 2,400 represents to the total amount of fees realised?

**Mr. C. A. Innes :** The answer to that is that the rule is that any contributions made from these fees must not exceed the amount of fees levied in the year.

**Mr. Eardley Norton :** Is there any separate Recreation Club in Madras?

**Mr. C. A. Innes :** There are no Sunday fees in Madras.

**Mr. S. C. Shahani :** May I inquire if overtime allowance is given to those who work on Sundays?

**Mr. C. A. Innes :** Yes.

**Mr. E. L. Price :** What is done with the overtime fees and Sunday fees that we pay in Karachi?

**Mr. C. A. Innes :** Overtime fees are paid entirely to the men. As regards the disposal of Sunday fees in Karachi, as I have said I have got the question now under examination. I think that Government takes most of the special Sunday fees. If so, the practice is not in accordance with the standing orders. That is why I propose to examine the whole subject.

**The Honourable the President :** The original question was,

'That a sum not exceeding Rs. 66,95,000 be granted to the Governor General in Council to defray the charge which will come in the course of payment during the year ending 31st March 1922 for Customs'

since which an amendment has been moved,

'That the provision of Rs. 2,400 for contribution towards the maintenance of the Customs Recreation Club be omitted.'

The question is, that that reduction be made.

[The President.]

The Assembly divided as follows :

AYES -51.

Agnihotri, Mr. K. B. L.  
 Ahmed, Mr. K.  
 Alli Buksh Muhammad Hussain,  
 Mr.  
 Amjad Ali, Mr.  
 Ayer, Sir Sivaswamy.  
 Ayyar, Mr. T. V. Seshagiri.  
 Bagde, Mr. K. G.  
 Baipai, Mr. S. P.  
 Barua, Srijiut Debi Charan.  
 Bhargava, Mr. J.  
 Bishambhar Nath, Mr.  
 Currimbhov, Mr. R.  
 Dalal, Sardar B. A.  
 Das, Babu Baraja Sundar.  
 Dwarkadas, Mr. J.  
 Ghose, Mr. S. C.  
 Ghulam Sarwar Khan, Mr  
 Chaudhuri.  
 Girdhardas, Mr. N.  
 Gour, Dr. H. S.  
 Gulab Singh, Sardar.  
 Hafeebhov, Mr. Mahomed.  
 Hussanally, Mr. W. M.  
 Iswar Saran, Mr.  
 Jatkari, Mr. B. H. R.  
 Jejeebhoy, Sir Jamsetjee.

Lakshmi Narayan Lal, Mr.  
 Latthe, Mr. A. B.  
 Mahadeo Prasad, Mr.  
 Majumdar, Mr. J. N.  
 Misra, Mr. Pyari Lal.  
 Mitter, Mr. N. C.  
 Mohammad Schammad, Mr.  
 Mudaliar, Mr. Sambanda.  
 Muhammad Hussain, Mr. T.  
 Mukherjee, Babu J. N.  
 Neogy, Babu Khitish Chandra.  
 Pyari Lal, Mr.  
 Ramji, Mr. M.  
 Ranga-Chariar, Mr. Tiruvenkata.  
 Rao, Mr. P. V. Srinivasa.  
 Reddiyar Mr. M. K.  
 Samarth, Mr. N. M.  
 Shahani, Mr. S. C.  
 Singh, Babu B. P.  
 Sinha, Beohar Raghubir.  
 Sinha, Mr. S.  
 Sohan Lal, Mr.  
 Subrahmanayam, Mr. C. S.  
 Ujagar Singh, Baba Bedi.  
 Venkatapatiraju, Mr. B.  
 Vishindas, Mr. Harchandrai.

NOES -39

Ahmed, Mr. Zahir-ud-din  
 Aiyar, Mr. A. V. V.  
 Bryant, Mr. J. F.  
 Carter, Sir Frank.  
 Crookshank, Sir Sydney.  
 Fell, Sir Godfrey.  
 Ginwala, Mr. P. P.  
 Habibullah, Mr. Mahomed.  
 Hailey, The Honourable Mr. W. M.  
 Herbert, Lieut.-Col. D.  
 Holland, The Honourable Sir Thomas.  
 Hullah, Mr. J.  
 Hutchinson, Mr. H. N.  
 Ikramullah Khan, Mr. Mirza Md.  
 Innes, Mr. C. A.  
 Joshi, Mr. N. M.  
 Kabraji, Mr. J. K. N.  
 Kamat, Mr. B. S.  
 Keith, Mr. W. J.  
 Maw, Mr. W. N.

McCarthy, Mr. Frank.  
 Mitter, Mr. P. K.  
 Nabi Hadi, Mr.  
 Nayar, Mr. Kavalappa Muppil.  
 Norton, Mr. Eardley.  
 O'Donnell, Mr. S. P.  
 Percival, Mr. T. E.  
 Pickford, Mr. A. D.  
 Price, Mr. E. L.  
 Renouf, Mr. W. C.  
 Sapru, The Honourable Dr. T. B.  
 Sarfaraz Husain Khan, Mr.  
 Sen, Mr. Nishikanta.  
 Sharp, Mr. H.  
 Sircar, Mr. N. C.  
 Spry, Mr. H. E.  
 Waghorn, Colonel W. D.  
 Watson, Sir Logie Pirie.  
 Yamin Khan, Mr. Muhammad.

The motion was, adopted.

**Mr. B. Venkatapatiraju :** Sir, I do not propose to move the first amendment on page 5, but I shall move the next amendment.

Sir, on page 5, against Sind Division, Preventive Officers, there is an increase in salaries from Rs. 50,000 to Rs. 77,000. Though I wanted this to be reduced to Rs. 60,000, I do not propose to move it. But at the same time, I propose to move the next amendment.

LOCAL ALLOWANCES, SINDH DIVISION.

**Mr. B. Venkatapatiraju :** I beg to move :

• That the local allowance be reduced from Rs. 62,137 to Rs. 42,639 (page 5).'

There was no local allowance before and this has been provided for only from last year and they want to increase it to Rs. 62,137. I therefore submit that the amount be reduced to Rs. 42,639.

**Mr. C. A. Innes:** These local allowances are allowances either given on account of the special cost of living in Sind or, as is more probable, they are allowances which have been sanctioned by the Local Government temporarily pending revision of pay. It will be found that on page 3 a lump provision has been made for revision of establishments. When the revision of establishments is made, as I hope it will be made shortly, then these local allowances will disappear. In the circumstances, I have no objection to accepting the Honourable Member's proposal.

**The Honourable the President:** The question is,

'That the local allowance be reduced from Rs. 62,137 to Rs. 42,639 (page 5).'

The motion was adopted.

**Mr. B. Venkatapatiraju:** My next amendment is

'That the local allowance (page 7) be reduced from Rs. 5,339 to Rs. 2,756'

For the reasons I gave on my previous motion I beg to move that the amount be reduced to that suggested in the last Budget.

**Mr. C. A. Innes:** The same remarks as I made on the last motion apply here also, but I should like to point out that the Honourable Member cannot have it both ways. He has also a motion to reduce the provision for revision of establishments. As long as the provision for revision of the salaries of establishments, namely, Rs. 6,000, remains, I am prepared to accept the proposal that the provision for local allowances be reduced from Rs. 5,339 to Rs. 2,756.

**Mr. E. L. Price:** I do not know why the Mover of these amendments should be attacking particularly Sind, a province which is, I think, so far remote from his observation and about which he knows so little.

**Mr. C. A. Innes:** The amendment relates to the Cotton Excise establishments at Bombay and not to Sind.

**The Honourable the President:** The question is that this reduction be made.

The motion was adopted.

**Mr. B. Venkatapatiraju:** I am not moving (y), Sir, *viz.*—

'That the figure of revision of establishment be reduced from Rs. 6,000 to Rs. 5,000 (page 7).'

#### EXECUTIVE SUBORDINATES.

**Mr. B. Venkatapatiraju:** Sir, I move :

'That the provision for Executive Subordinates be reduced from Rs. 5,25,000 to 5 lakhs of rupees (page 8).

On page 8 you will find, under the head 'Preventive Establishment' for Executive Subordinates, that what was spent in 1919-20 was Rs. 4,15,495. That was increased to 5 lakhs in the revised estimate. Now, it is proposed to increase it by another Rs. 25,000. I appeal to the Government to reduce that extra Rs. 25,000 so that the figure will be 5 lakhs.

**Mr. C. A. Innes:** I should like to point out that this is a mere matter of estimating. The numbers of clerks are known, their rates of pay are known, and it is known when the increment of each clerk is due. The pay of these clerks is incremental. We must expect it therefore to be slightly bigger in



[Mr. C. A. Innes.]

the coming year than it is in the current year. It would, I think, be foolish to make this small reduction, and I oppose this motion.

**Mr. E. L. Price:** Sir, I understand that if this reduction is made, it means that the men working in those Departments will not get the monthly increments that they are entitled to.

**Mr. C. A. Innes:** Yes.

**The Honourable the President:** The question is,

'That the provision for Executive Subordinates be reduced from Rs. 5,25,000 to 5 lakhs of rupees (page 8)?'

The motion was negatived.

#### LUMP PROVISION FOR REVISION.

**Mr. B. Venkatapatiraju:** Sir, I move:

'That the lump provision for revision be reduced from Rs. 8,83,000 to two lakhs of rupees (page 8).'

In spite of the increase of Rs. 1,10,000 the Government in the plenitude of their wisdom have thought it necessary to increase it to Rs. 3,83,000. Therefore I propose that it should be reduced to two lakhs.

**Mr. C. A. Innes:** I do hope, Sir, that this House will realise that, when they are dealing with this Budget, they are not dealing with figures, but with flesh and blood, the pay of their own establishments and officers down in the Provinces. Every reduction which this House may make in this Budget may mean loss to these men, and may set up discontent and agitation with which the Government will find it very difficult to deal. I do hope this House will realise that labour in India is becoming more and more organised, and that labour hopes, and has a right to expect, that the Government, now it has been reformed, will continue to deal with it fairly and to meet its just claims.

The position as regards this provision is as follows: We have not yet received from the Bengal Government their proposals for the revision of the pay of clerks and servants of the Calcutta Customs House, of whom there are 348. Does Mr. Venkatapatiraju, does this House, suggest that because, owing to pressure of work and owing to the numerous claims upon them, the Bengal Government and the Government of India have not yet been able to deal with the pay of the ministerial establishment of the Customs House in Bengal, and because this Government has been reformed, no revision is to be sanctioned for these men and that they are to remain on the same pay as they are at present and as they have been for years past? There are also in Calcutta 233 Preventive officers, and certain proposals for improving the pay of these men were sanctioned last year. The men, however, are not satisfied, and both the Collector and the Local Government have stated that the proposals which they submitted last year and which we sanctioned do not go far enough. They have therefore submitted revised proposals asking that they may be given retrospective effect. The question of sanctioning these proposals is now under consideration in the Finance Department of the Government of India. It will depend on that Department whether they are sanctioned or not. In the meantime, we are merely asking for a Budget provision in case all these proposals are sanctioned. This Budget provision does not necessarily mean that the proposals will be sanctioned. The proposals will have to come before the Government of India. They will be scrutinised both in the Com-

merce and in the Finance Departments, and this House may rest assured that they will be scrutinised most carefully. In the meantime, I suggest that this lump provision, which will not necessarily be spent, may be allowed to stand.

**Rao Bahadur T. Rangachariar :** Sir, the Honourable Mr. Innes has apparently forgotten that there are such things as supplementary estimates. Now, these lump provisions figure very largely in this Budget. As this question has now arisen, my motion to reduce the demand by 10 lakhs was mainly based upon this lump provision. The Honourable Member will find these lump provisions on page after page. On page 14 there is a lump provision for revision of establishment of Rs. 3,21,500. Again, at page 6, there is a provision of Rs. 2,25,000 for revision of establishment. Mr. Innes himself admitted, in the case of one of these lump provisions, that it was an over-estimate and that he was willing to reduce it by Rs. 50,000. I think this spirit of asking the House to sanction loose budgetting we must object to at once. If we allow it, our power over the purse will really be nominal, and I therefore insist on the Departments placing these demands before the Finance Committee in the first instance, and then bringing it up by supplementary estimates. All these appeals for treating subordinates fairly have been readily responded to. But the figures have not been examined properly. We do not know what pay these officers are getting, what the proposed increase to that pay is, whether it is really needed or not—all these questions have to be carefully gone into; and I think this method of sanctioning lump sums cannot be too severely condemned, and I therefore strongly support the motion before the House.

**The Honourable Mr. W. M. Hailey :** Sir, the Honourable Member, Mr. Rangachariar, has referred to a point which, I think, I ought to argue to the House. He says there are such things as supplementary estimates. That is perfectly true; but I should like to ask a question in return. If you cut these items out now, leaving it for us to bring the matter up on a supplementary estimate, where are we going to get the money? You could no doubt reduce the deficit now anticipated by cutting out the items now in dispute; subsequently your standing Finance Committee would find that certain expenditure had to be incurred on them; and we would bring the matter up to you on a supplementary estimate in September next. Then if you sanctioned it you would either have to sanction money for which we have made no provision at all, or you would have to agree to fresh taxation then or adopt the undesirable expedient of again indenting on floating debt for the purpose. I claim that we have done the right thing by the House. Knowing that certain demands are bound to be made upon us, knowing that we cannot give definite details yet until they have been examined, we have quite correctly placed them in the budget as a warning to the House that the money, or a greater part of it at all events, will have to be met. I do not think myself, Sir, that the proposal of the Honourable Member to leave everything to supplementary estimates is one which in the circumstances of the present year could be commended to the House. If we were budgetting for a very large surplus it might be a very reasonable proposal. But as we are budgetting for a deficit and as we have to provide the money somehow, I say that the proposal to leave this amount to be brought up later by a supplementary estimate is an unsound one.

**Mr. T. V. Seshagiri Ayyar :** I am sorry, Sir, I am unable to agree with me friends on this question of a lump provision. I have very bitter experience of what took place in Madras regarding the pay of munsifs and subordinate judges. We had been agitating for a long time to increase the pay of

[ Mr. T. V. Seshagiri Ayyar.]

munsifs and subordinate judges from year to year; the matter was being inquired into by the Madras Government and again by the Government of India, but there was no lump provision for a long time. Ultimately when the increased pay was sanctioned, we found that these people had to be paid for some years back. Then the Madras Government, I think, said 'we are not going to pay for a number of back years,' and it came up to the Government of India; and although the Government of India said that they had no objection and that the Madras Government could do what they liked, the Madras Government, I understand, said that they could not find the money and that they were not going to give back pay as arrears; and these poor men, I am afraid, may have to remain without any compensation for the period during which they were encouraged to expect increased emoluments. I think, therefore, a lump provision is the proper way of dealing with such questions. I hope that when the matter is being gone into by the Finance Department, they will very carefully scrutinise as to whether there should be these increases or not; and if they come to the conclusion that there should be these increases, the payment to these underpaid men will come out of this lump provision. Under these circumstances, I do not think it is wise or reasonable to object to this lump provision for improving the pay of the ministerial establishments.

**Sir P. S. Sivaswamy Aiyer:** Sir, notwithstanding the explanation which has been offered by the Honourable the Finance Minister, and notwithstanding the inconvenience which he has pointed out, I still think that it is objectionable in principle to make lump provisions in the budget. I object to it for more reasons than one. My first objection is this, that we shall be foregoing our right and our duty to criticise and watch the expenditure carefully and see to what objects the expenditure proposed is going to be applied. At present we do not know the details of the scheme for reorganisation or of any other purpose for which this lump provision is asked to be made. We are simply asked to make a provision in the gross. Now, it may be that when the details are brought forward we shall find it necessary to take objection to one matter or another. We shall be foregoing our right to take objection to those items if we commit ourselves beforehand to this lump provision. I do not think it will be proper on our part as persons responsible for the expenditure of the country, to forego our right.

In the next place, the departments which are responsible for the preparation of schemes have a tendency to slackness if they know that their schemes can be sanctioned in advance in this rough way, even though the details are not ready. It ought to be insisted upon that every department which wishes to bring forward any scheme of expenditure must submit it in proper time with all the available data, so as to obtain the sanction of the authorities concerned in time for it to be voted upon at the time of the budget. Now, if we are to give way to the demand on this occasion and allow these lump provisions, they will have no inducement whatever to prepare their schemes and plans in sufficient detail in time. The temptation to slackness is a thing which ought to be discouraged. For this reason also I object to making any lump provision.

As regards the question how we are to find ways and means for these schemes, if they are eventually sanctioned, I am not aware that there is any insuperable obstacle to coming up with an additional measure devising additional ways and means. Now, we have to find ways and means for financing

the present estimates so far as they go. If later estimates show the necessity for additional expenditure, means can be found for financing that expenditure. Suppose there is some extraordinary circumstance, let us say a war, a famine or some other emergency which calls for additional expenditure, say to the extent of 2, 3 or even 10 millions; what will the Finance Minister do in that case? In a case of that sort the Finance Minister will be obliged to come up to us for finding additional ways and means, and he will have to propose some suitable measure for that purpose. It is a correct principle in budgetting to make provision only for such schemes as are already ripe. In all other cases we ought not to waive our right to criticise, or be content with the scrutiny of our Finance Committee, but should insist that the final voice shall rest with us, and that the power of saying 'yes' or 'no' on any application for a grant should be in our hands and our hands alone. I am sure that just as the Honourable Mr. Hailey will have no difficulty whatever in devising suitable ways and means for unforeseen cases of heavy expenditure, so also he ought to have no difficulty in this case; he can come up with a supplementary budget; he can come up with a supplementary Finance Bill, and there is no special difficulty in this case which cannot be overcome by the department.

**The Honourable Sir Thomas Holland:** Sir, as this is a matter of principle bearing on a large number of the Resolutions of which we have received notice, I think it is wise that the House should be given as many ideas as possible to guide them in deciding the question now before us. Now I suppose everybody here agrees with most of the copy-book headings which my friend Sir P. S. Sivaswami Iyer has quoted. It is quite true that the House is responsible for our expenditure, and it is quite true that the House cannot judge of the expenditure, unless full details are given. But at the end of every year in making the budget there must be a certain number of cases which are not quite ready for complete analysis. Merely because the charge is entered as a lump provision it does not mean in any sense that the expenditure is extravagant or unjustified. Quite often it is entirely the reverse; and I will notice an instance of the sort which explains why I am speaking now; for I want, if possible, to save more speaking on my part and therefore more listening on your part later on.

I notice that further on in the programme for to-day, Sir Sivaswamy Aiyer is attacking a lump provision of Rs. 7 lakhs for improvement of our salt sources. I will give you that as an illustration of the way in which a lump provision may be an economy and not an extravagance. The provision which we wish to make for the improvement of our salt source at Sambhar, if carried out in the way in which every adviser tells us we ought to do, will cost something like 23 lakhs. We have also other schemes for the improvement of the salt sources in the Punjab, costing another 15 lakhs. We are told, however, by the Finance Department that it is impossible this year to finance both these schemes or even the whole of one of them. Our problem then is,—which of the items shall we cut out? The details which constitute this lump have been worked out with the greatest care and were put before the Finance Department in full detail. The Finance Department tell us that we cannot get any more this year than Rs. 7 lakhs, and we are now driven to cut up our programme, first by cutting out certain items that we are doubtful about carrying through, but if we cut these out we destroy certain other parts of the programme. And we are not able to say at this stage whether we can get the labour for one part of the programme, or whether we can get rails—that is one of our difficulties; whether we can get water pipes to carry the water, whether we can get certain parts of machinery necessary to complete

[ Sir Thomas Holland.]

other parts of our programme, etc. These are things which we are unable to say for certain that we can do, and so the Finance Department have told us to do our best within 7 lakhs on behalf of this object of improving the salt sources. Otherwise, we should have had to cut out the whole budget, and if we did that your salt sources will degenerate; and it will not be I who will pay for this but my successor. These salt sources can go on quite happily as they are for another four or five years, and would see me out of office, whilst none of you would ever find out that I had been treating your property badly; my successor would come in for the results. This is a case in which it is economical to act now, and for this purpose we have a lump provision of Rs. 7 lakhs. If we do not act now, we shall lose the next monsoon, and if we lose the next monsoon the country will be short of salt in the following dry weather. I am merely quoting that as an instance of how a lump provision is a real economy, and is the result of our being pruned down and not the result of our being given a lump sum of money to play with. It is the result of the Finance Department trimming us down to the very bone, until there is nothing else left for us but to call it a lump provision, because we really cannot carry out our programme in full . . . . .

**Sir P. S. Sivaswamy Aiyer** : Is it for works or establishments ?

**The Honourable Sir Thomas Holland** : It happens to be for works, mainly ; of course, there is a large amount of establishment involved.

Sir Sivaswamy Aiyer talks about budgetting for war, but that is in no way analogous. Here we are asking you to provide for a charge that we are certain must come some time in the year. There is not a business man in this House who does not budget in this way for what he knows must come but cannot state in detail. The whole principle of company promotion is that. When you form a company, you state your nominal capital and you call up a certain amount of the capital. When you do so, you give a rough idea of what you hope to do, but it is impossible to say in advance how you are going to spend every penny of that money. When you come to practical questions here—and this is a business proposition that we have before us—who is to say that you should cut down Rs. 1,27,000 by Rs. 25,000 ? Why Rs. 25,000 ? Why not Rs. 30,000 ? Why not Rs. 20,000 ? Has the Honourable Member who makes a proposal of that kind gone into the matter in detail that he is able to name the exact figure of Rs. 25,000 ? And this matter cannot be met by supplementary votes, as Mr. Hailey has explained to you. The Assembly will probably not meet again till September ; meanwhile, the men who are concerned are out of their pay, they lose their increments and are suffering severely. It is not just to them, and what is more, it will react on the country in consequence of the production of strikes. I hope, therefore, that the Assembly will treat these questions on businesslike lines and this suggestion I will make to you. It is impossible in the whole of this Assembly to go into the merits of each of these proposals, many of which have only been received by us to-day. It is quite impossible for us now to discuss in detail the merits of proposals as to whether Rs. 25,000 or Rs. 20,000 should be cut off. But I am willing to make this offer on behalf of my own group of departments, and I have no doubt that the Honourable Mr. Hailey will support it. We are quite willing that any one of these challenges before us to-day shall be put before the Finance Committee, and, subject to the criticism of the Finance Committee, the Government is prepared to act. If the Finance Committee will examine each of these in turn and

go into the question in our offices and look into the books and look into the details, we are quite willing to receive their assistance in the work of revision; because there is not a Member of the Government who does not wish, and has not tried, to cut down the estimates. There has not been a single estimate that has not been pruned down to the very bone. This has been done, first of all, by the administrative department, and then in a much more vicious way by the Finance Department, and I should advise you, gentlemen, as you have the interests of the country at heart, to realise that cutting down is not the only form of economy. It may be a very very false form of economy, and I should advise you to leave questions of detail of this sort to the investigation of the Finance Committee, and I speak only as a practical man of business speaking to business men on a purely business question.

**Mr. Wali Mohamed Hussanally:** I beg to suggest, Sir, that if all the lump provisions are removed from the Budget and placed as an unappropriated balance earmarked for being spent on the revision of establishments and to be spent only after the supplementary budget is passed, it will meet the case.

12 NOON.

**Mr. Harchandrai Vishindas:** I am sorry to say, Sir, that I am not quite convinced by the reasoning of Sir Sivaswamy Aiyer. In the first place he did not give any answer to the remarks of Mr. Seshagiri Ayyar. In the next place he forgets that he is not going to wipe out the whole of the lump provision, but only a part, and therefore all his arguments fall to the ground. As Sir Thomas Holland has pointed out, what is the data for Sir Sivaswamy Aiyer to fix on a particular amount for reduction, and why not more or less? On the other hand, the Government departments know the ropes and must be approximating to a particular figure. The figure which they are proposing is, in all probability, the figure that would be wanted actually. That is one thing.

Another point is, that if we were to follow Sir S. Aiyer's arguments there should be no lump provision at all. But I think that all people who have dealt with budgets—and I have dealt with them—know that lump provisions are inevitable and we cannot do without them. For Sir S. Aiyer to call upon Government to be prepared with all the details in advance so as to give the exact figure which will be required for a particular work is a very tall order, because there are so many things for which it is impossible, in advance, to make a full and exact estimate. I think we will not be doing our duty by the public or by the Assembly if we in any way interfere with these lump provisions. Government have not arrived at these figures haphazard or arbitrarily; they must have worked on some data. All those who give employment and have establishments on a large scale have this experience, that you cannot have every thing cut and dried in advance and therefore lump provisions are necessary, and in this matter we should trust the experts who have charge of these Departments for having arrived at a roughly reasonable figure.

**Rao Bahadur C. S. Subrahmanyam:** Sir, the argument of the last Honourable Member that we ought to place implicit trust in the Government is certainly an argument which we might bring into this discussion because nobody here doubts the capacity or the sincerity of the Department of Government with which this question of whether there should be a lump provision or not, is concerned. The question is that we in this Assembly have or have not got to see that the provision made by Government is necessary. We have got to scrutinise the Budget. We have got to pass it and make ourselves respon-

[ Rai Bahadur C. S. Subrahmanyam.]

sible as regards all the items shown there that we have seen evidence of them and are satisfied *prima facie*.

Then Sir Thomas Holland said that certain works should be undertaken—works which would cost a large sum. I think that that is a question on which we should have further information and when it comes to every individual item having tacked on to it the item of ‘lump provision’, then I think that we ought to know what it is. As this is the first time under the new system of scrutiny by the Assembly that item after item is taken up for sanction, no doubt Government would not be prepared to furnish us with details. And in order that they may be aware of the nature of the information we ask for, I would ask this Assembly that as soon as a member of the Government gives us an explanation in regard to the particular item, we, with the most cursory view, should pass it if it is satisfactory. We do not propose, as it were, that they should lay down the money at once. Now this lump provision is not intended for things not really connected with the heads of expenditure. It would be as the lawyers say—cases of *ejusdem generis*.

The preparation of budgets is a question with which we, who were connected with local boards and municipalities, are well acquainted and it is not that we have no experience of dealing with lump provision; the desirability of dealing with this question without opposition is raised. As for Sir S. Sivaswamy Aiyer, I think we can give him credit for an extensive connection with budget preparation. Then Mr. T. V. Seshagiri Ayyar said that the Government of Madras were willing to give the Munsifs the increases they asked for, but that they did not give it is not due to the absence of lump provisions, it is unwillingness to pay. It is one thing to make lump provision and another thing for the Administrative Department to pay out the money. That we do recognise. The question really is that we want some definite explanation as to the lump provision. But as regards the details of the lump provision, I suppose to ask for them would really be a very tall order.

**Mr. F. McCarthy** :—Sir, I think it would meet a great many objections that have been raised in this debate to-day if Government would consent to put all these lump provisions together as a lump sum and place it at the disposal of the Finance Committee of this House. The lump sum could then be divided off amongst the various departments as occasion arose.

**Mr. B. Venkatapatiraju** :—Sir, in replying to the various criticisms, I should like to say that it is an anomalous position we occupy, because we are all aware that in no legislative body will such motions be made because any motion passed will turn out the Executive Government. That is the reason why such motions are not made. Here we are in this position that we are not able to turn them out, but we are asked to share their responsibility. I do not know how we can share that responsibility unless we scrutinise all provision made. Now we see that the lump provision for revision is Rs. 3,83,000. Now let us be a little more economical and be satisfied with 2 lakhs.

We know very well where we have to spend money, but in this case there is no provision and there is no clear data that the amount is absolutely necessary. I do say that the Government should reduce the amount. In this case it is suggested that we should place it as a lump sum at the disposal of the Finance Committee so that they can provide for different departments. I shall have no objection whatever to this proposal if the Government are prepared to spend no more than what the Finance Committee recommends. But I

am sure that if the Government get their Budget passed from the 1st of April, they will entertain an establishment to spend the full amount, and then it would be difficult to reduce, human nature being what it is. If we allow them a free hand in this way, I see no reason for discussing the Budget at all.

**Mr. C. A. Innes:** Sir, I should like to get this debate back to its proper \*point—namely, the question whether Rs. 3,83,000 should be allowed to stand in this Budget. That is the practical point before us. I quite agree, however, that there are difficulties which have made themselves felt to-day. They arise from the fact that we are passing through a transitional period, and that this is the first time that a Budget has been dealt with by this House. I am not in a position to say whether the suggestion of Mr. McCarthy will be accepted because that is a point for the Honourable the Finance Member to decide. But I do hope that next year we shall be able to place our Budget before a Finance Committee so that everything can be properly threshed out before it is brought before this House.

Both Mr. Venkatapathiraju and Sir Sivaswamy Aiyer objected that they did not know what this lump provision was for. They said that they did not know what the details are, or anything about them. Well, I have tried to explain that we know that the Bengal Government are coming up with proposals for the revision of the pay of the clerical establishment of the Customs House, and that they have come up with proposals for the revision of the pay of the Preventive Staff. They estimate that the cost of these proposals will be Rs. 3,83,000. As I have already tried to explain Budget provision is a very different thing from administrative sanction, and I was very surprised to find Sir Sivaswamy Aiyer falling into that error. The mere fact that this provision is made does not necessarily mean that the proposals will be sanctioned. The Administrative Departments have reason to know this, and even if the Administrative Department accepts the proposals, they have still to be passed by the Finance Department, and I can assure the House that these days the Honourable the Finance Member is a very difficult snag.

Sir Sivaswamy Aiyer said that we ought to arrange our revisions so that they can come up in time to be considered in detail by this Assembly. I suggest, Sir, that it is not the business of this House to spend its time on the details of revision schemes. This House has a more important duty.

It is quite right that they should hold the Executive Government responsible for them. We should be held responsible for such revisions as we make. But I suggest that it is not the business of this House to go into details. The Reform Scheme, Sir, will never work if the Legislature interferes in details and refuses to place any trust in the Executive Government. All these schemes are examined with the greatest care and are most carefully scrutinised. I am quite sure that this process will go on. I have already explained that we have made this lump provision in order to meet the cost of the revision of pay of clerks and servants in the Customs House in Bengal and of the Preventive Officers, and I hope the House will not accept the amendment.

**The Honourable the President:** The original question was,

‘That a sum not exceeding Rs. 66,95,000 be granted to the Governor General in Council to defray the charge which will come in the course of payment during the year ending 31st March 1922 in respect of Customs’

since which an amendment has been moved:

‘That Lump provision for revision be reduced from Rs. 3,83,000 to Rs. 2,00,000 only (page 8)’



[The President.]

The question is, that the proposed reduction be made.

The Assembly divided as follows :

#### AYES—44.

Abdullah, Mr. S. M.	Mahadeo Prasad, Mr.
Agnihotri, Mr. K. B. L.	Majid, Sheikh Abdul.
Ahmed, Mr. K.	Majumdar, Mr. J. N.
Amjad Ali, Mr.	Man Singh Bhai.
Ayer, Sir Sivaswamy.	Misra, Mr. Pyari Lal.
Bagde, Mr. K. G.	Mitter, Mr. N. C.
Bajpai, Mr. S. P.	Mudaliar, Mr. Sambanda.
Barua, Srijut Debi Charan.	Mukherjea, Babu J. N.
Bhargava, Mr. J.	Nabi Hadi, Mr.
Bishambhar Nath, Mr.	Nag, Mr. Grish Chandra.
Chaudhuri, Mr. J. C.	Neogy, Babu Khitish Chandra.
Das, Babu Braja Sundar.	Pyari Lal, Mr.
Ghose, Mr. S. C.	Ramji, Mr. M.
Ginwala, Mr. P. P.	Ranga-Chariar, Mr. Teruvenkata.
Girdhardas, Mr. N.	Rao, Mr. P. V. Srinivasa.
Gour, Dr. H. S.	Sen, Mr. Nishikanta.
Gulab Singh, Sardar.	Sinha, Mr. S.
Hussanally, Mr. W. M.	Sircar, Mr. N. C.
Iswar Saran, Mr.	Sohan Lal, Mr.
Jatkar, Mr. B. H. R.	Subrahmanayam, Mr. C. S.
Joshi, Mr. N. M.	Venkatapatiraju, Mr. B.
Lathe, Mr. A. B.	Yamin Khan, Mr. Muhammad.

#### NOES—46.

Aiyar, Mr. A. V. V.	Maw, Mr. W. N.
Ayyar, Mr. T. V. Seshagiri.	Mitter, Mr. D. K.
Bryant, Mr. J. F.	Muhammad Hussain, Mr. T.
Carter, Sir Frank.	Nayar, Mr. K. M.
Crookshank, Sir Sydney.	Norton, Mr. Eardley.
Currimbhoy, Mr. R.	O'Donnell, Mr. S. P.
Dentith, Mr. A. W.	Percival, Mr. T. E.
Dwarkadas, Mr. J.	Pickford, Mr. A. D.
Fell, Sir Godfrey.	Price, Mr. E. L.
Gidney, Lt.-Col. H. A. J.	Raja S. P. Singh.
Habibullah, Mr. Mahomed.	Rao, Mr. C. Krishnaswamy.
Hailey, The Honourable Mr. W. M.	Reddiyar, Mr. M. K.
Hajeebhoy, Mr. Mahomed.	Renouf, Mr. W. C.
Herbert, Lt.-Col. D.	Samarth, Mr. N. M.
Holland, The Honourable Sir Thomas.	Sapru, The Honourable Dr. T. B.
Hullah, Mr. J.	Sarfraz Husain Khan, Mr.
Hutchinson, Mr. H. N.	Shahani, Mr. S. C.
Innes, Mr. C. A.	Sharp, Mr. H.
Jejeebhoy, Sir Jamsetjee.	Sinha, Babu Adit Prasad.
Kabraji, Mr. J. K. N.	Spry, Mr. H. E.
Kamat, Mr. B. S.	Vishindas, Mr. Harchandrai.
Lakshmi Narayan Lal, Mr.	Waghorn, Colonel W. D.
Mahmood Schammad, Mr.	Watson, Sir Logie Pirie.

The motion was negatived.

**Mr. B. Venkatapatiraju:** I do not move 2 (j), Sir, viz.,

‘That another Lump provision in revision be reduced from Rs. 25,000 to Rs. 15,000 (page 8)’.

#### OVERTIME AND HOLIDAY ALLOWANCES.

**Mr. B. Venkatapatiraju:** Sir, again we have a provision on page 8 under the heading ‘Overtime and Holiday allowances’ in which there is an increase from Rs. 2,26,000 to 3,75,000. I propose to reduce it. I beg to move

‘That it be reduced to Rs. 3,05,000 which was the figure in the Revised Estimate for 1920-21’.

I do not understand why in Overtime and Holiday allowances there should be such an increase as Rs. 1,50,000 in two years.

**Mr. C. A. Innes:** It is quite evident from Mr. Venkatapatiraju's motion that he does not understand the system on which these overtime fees are collected and distributed. As I explained earlier in the day, steamers, which naturally want to get away as quickly as possible, frequently work at night, and on holidays and Sundays. Now when the steamers are working we must have our preventive staff there to see that smuggling does not go on, and since the preventive staff are required to work overtime and on holidays, we pay them overtime allowances. The steamers are required to pay fees for working at night and on Sundays, and so necessitating preventive duty, and these fees are distributed among the preventive officers. The debit here therefore is purely a book transaction. On the one side, the receipt side, we credit the fees collected from the steamers. On the other side, we show a debit of the fees paid to these officers. The fact that the amount shown in the Budget is bigger than it was last year, is bigger than it was in 1919-20, is simply due to the fact that the Local Government thinks that in the Hooghly more ships will be loading or unloading cargo in the coming year and that more of them will be working on Sundays and holidays, and therefore that the credits from overtime fees will be greater, and consequently the payments of those overtime fees to the staff will also be greater. In these circumstances, I am quite sure that Mr. Venkatapatiraju will withdraw his motion.

**Mr. B. Venkatapatiraju:** Is this due to an increase in rate or in fees?

**Mr. C. A. Innes:** There is no increase in rate at all. The increase is simply due to the fact that these fees, which are paid for overtime, are likely to increase this year, owing to the fact that the Local Government thinks that there will be more steamers in the port.

**Mr. B. Venkatapatiraju:** If there is no increase in rates, Sir, then I do not press my amendment.

**The Honourable the President:** The question is, that the amendment\* be withdrawn.

The amendment was, by leave of the Assembly, withdrawn.

#### LUMP PROVISION FOR REVISION OF ESTABLISHMENT.

**Mr. B. Venkatapatiraju:** Page 14 Sir, there is also a lump provision here for revision of establishment which was not mentioned in the budget of last year. I propose to move

‘That the amount† be reduced to two lakhs’.

I think there was some misapprehension that these provisions would be placed before the Finance Committee before the amount is spent. I do not think there is any such intention on the part of Government. The matter will come up for discussion before the Finance Committee, but that does not mean that they are not going to spend this amount without the sanction of the Finance Committee, and I therefore strongly press that this amount should be reduced.

\* *Vide* page 810 of these Debates.

† Rs. 3,21,800 given in Blue Book.

**Mr. C. A. Innes :** This lump provision, Sir, is provision which has been made by the Burma Government to allow for the revision of the pay of the clerks in the Burma Customs Offices and to provide for an increase of staff in those establishments, to provide for the revision of pay of the preventive staff and appraising staff. The Local Government has wired to say that they are considering the details of these various revisions and has explained that these proposals will very shortly be submitted to the Government of India. It has also explained that the pay of the other subordinate staffs in Burma has been revised with effect from the 1st March, 1920, and it has suggested that the Customs staff will have a legitimate cause for discontent if, merely owing to the fact that accidentally or otherwise their revision has been taken up last, they should be deprived of the benefit of revision of pay also from March, 1920. Now, Sir, I explained when we were discussing the lump provision for Bengal establishments that these proposals will be examined by the Commerce Department and again by the Finance Department. The amount put down, namely, 3,21,800, is merely an estimate of the amount which will cost to revise the pay of these establishments. It does not mean that the revision schemes as sanctioned will necessarily cost that amount, but I think there will be great discontent on the part of these establishments if the House reduces the provision.

**The Honourable Mr. W. M. Hailey :** I feel that this lump provision question is still one which is troubling the minds of many Members in this House, and it would, I think, be in the interests of the House and of ourselves if we could arrive at some common line which we could take upon it. It is perhaps a misfortune that we have had to open to-day with estimates many of which have been prepared by the Local Governments, and the consequence is that we are neither able ourselves to give you in the House as full information about them as we should like, nor has it been found feasible to draw up the printed estimates exactly in the form in which they would have been drawn up had we had in advance that full information. That is the reason why the lump estimates are shown in this particular form—simply ‘Lump provision for revision of establishment’ and the like. I acknowledge that the task of the House would have been easier if we had indicated the exact details for which they were required. Then the House might have felt disposed to say : ‘Well, we recognise that provision must be made for revision ; we will leave it in your hands, but our Public Accounts Committee will subsequently see whether you have or have not spent it within the scope of the demand which we have given to you.’ That is one course, and I believe there are many Members of the House who think that if we could give these matters in sufficient detail here and now, they would be prepared to pass them on the understanding that the Public Accounts Committee would certify that they were duly spent within the scope of the demand.

There are other Members of the House who hold the view that these matters fall properly within the purview of the other Committee—the Standing Finance Committee. We have indeed had placed before us a concrete proposal by Mr. McCarthy that the whole of these lump grants should be taken together and put at the disposal of the Standing Finance Committee. There is one objection to this—a technical objection—which I feel many of my friends will feel here, namely, that if we take all these lump sums together and place them under one head as a reserve to be dealt with by the Standing Committee, they will come to a large sum which will not be limited to the exact purpose of the different grants as they are now. If under

the present circumstances, we have a lump provision under 'Customs' we cannot employ it for 'Income-tax' or the like. But if the lump grants are all amalgamated as is sometimes done in Local Government budgets—it is clear that between us, that is to say, between the Government and the Standing Finance Committee, we should have greatly enlarged powers. It would perhaps suit us to adopt that course; but on sound financial grounds, I am afraid that I could not as a responsible adviser recommend it to the House.

Now a third course—it is a combination perhaps of the first and second—is that we should here and now give as full information as possible as to what these grants are intended for, and, secondly, that we should, wherever it is possible to do so, place them before the Standing Finance Committee. The Standing Finance Committee cannot always be with us much as we should like their constant attendance and advice. I feel that many of them, as business men, would not be able to sit continuously with us day by day; but, wherever possible, we would put these grants before the Standing Finance Committee; we would take their advice on them and we would ask them in each case to report to the House as to the measures we have taken as regards their expenditure. Now, Sir, if this combination of numbers (1) and (2)—with of course a reservation as to the powers of the Public Accounts Committee—will satisfy the House, we are perfectly willing to take that course. My proposal therefore is that we should now explain to the House exactly what we intend the money for, and where the matter is not of sufficient urgency—and sometimes, as the House will realise, it is a matter of great urgency where establishments are clamouring for revision. I remember a case where I had to sanction the revision of a police establishment during lunch on a Sunday afternoon by a clear-the-line telegram; but wherever it is possible, we should place them before the Standing Finance Committee, and in every case they would report to the House how the money is being expended.

**Rao Bahadur T. Rangachariar:** Sir, I wish to explain the difficulty which I feel in this matter. I have complained here very loudly that the cost of Government establishments has been mounting up by crores, and these lump provisions, I find, are for revision of pay or re-organisation of establishment. I have examined item after item and I find that these lump grants come in only for that purpose. An appeal has been made to our hearts by saying that these grants are intended for improving the position and pay and prospects of the subordinate services, most of whom are Indians and that therefore Indians will profit by it. But whether they are Indians or Europeans, the matter should be examined from a business-point of view. My feeling is that many people who do not deserve any increase of pay have got increases of pay and allowance. There is one matter which has now been elicited in the Madras Council, namely, that the High Court Judges are starving on Rs. 4,000 a month and are wanting more pay. I believe the proposal is seriously before the Government of India. That is what was elicited in the Madras Council. If people on Rs. 4,000 a month can be said to be starving and they want horse allowance and carriage allowance and what not, then that is a matter which requires close investigation—not merely investigation by officials, but, I say, it must be investigated carefully by a Committee of this Assembly before such reorganisation or revision of pay is sanctioned. We have had enough of reorganisation and of revision of salary. I may mention another instance here—the case of travelling allowance. How many of you know that a Munsif when he is transferred from one place to another gets three first class fares for himself, and then he is said to be a loser. It is easily done—three first class fares for a Munsif on Rs. 200 or Rs. 300 a month, and

[Rao Bahadur T. Ranghachariar.]

I daresay many a Deputy Collector, to say nothing of Collectors and Deputy Commissioners, get more. We do not know these things ; we want to go into them. What is the good of our being called here to pass this Budget, on this lump sum method. If we do, I put it to you on principle that we are encouraging extravagance by this sort of looseness on our part. We are not discharging our duty to our people by allowing this sort of thing. We must insist on the Departments coming up with definite proposals which should be closely examined before they are sanctioned by this House. It is not administrative sanction ; it is a kind of moral sanction. I have been on the Committee of the Madras Corporation and I know how difficult it is to deal with men who clamour for more pay. They come up in batches, and when you have appointed a committee to go into the grievances of one Department, another Department comes up and says ' Oh, the Postal Department have not got anything,' or ' The Europeans have had an increase ; Indian officers have not had an increase,' and so on. And the Government says ' Well, there is a liberal flow from the tap, let all get the water.' If we allow this sort of finance, our national finances are bound to go to ruin. And what is the good of our coming here if we do not exercise the power which the law has given us in this respect.

**Sir P. S. Sivaswamy Aiyer :** - Sir, I should like the House to bear with me for a few minutes if I again claim their attention on a question which seems to me to involve very important constitutional principles. Let me first clear the ground by saying that I do not desire the House to go into small petty details of the working of the administrative machine. That is not a thing which it is possible for us to undertake. It is for the Government to devise suitable schemes for the working of their machine, and for us to criticise it in important matters.

But while I am perfectly aware of the impracticability of this House taking upon itself the function of the Executive Government and going into matters of detail, it is of the very greatest importance that all these schemes should be put forward in detail for sanction ; and my reason is this : that the very fact that they are obliged to come forward to this Assembly with details will compel them to be careful. There is the light of publicity which will be thrown upon all their proposals which will necessarily compel them to take every possible care in the preparation of their estimates. That is one object which I have in view in insisting that all these proposals should be brought forward before us. Another object is, that it will give us an opportunity of criticising any really important proposals which may seem to us to be open to exception. There may be questions of reorganisation, there may be questions of principle in it, and there may be large increases of salaries sanctioned, as to which we may have no idea at all ; but if they do come forward with all these proposals at the time of the Budget, we shall have an opportunity of expressing our opinion on such questions. These are the two objects which I have in view in desiring that these schemes should be brought forward in detail. A third reason perhaps is this, that it is a matter of constitutional principle for us as custodians of the public purse, if I may use that expression, to be jealous of our powers and to maintain them. Now, there are various solutions which have been suggested ; and I shall explain to the House the difficulty I feel in accepting some of those solutions as satisfactory. For instance, it has been suggested that there is a Public Accounts Committee which in its scrutiny of the accounts will consider whether monies which have been voted by this House have been properly applied or not. But the Public Accounts

Committee can go into the scrutiny of accounts only of the year which has closed, after the event, and all that it can decide is whether monies which have been voted have been spent in a proper way and applied to the objects for which they were sanctioned. Where there is a lump provision of this sort, even supposing that it is explained as involving so much for reorganisation, so much for construction of works and so on, it will be difficult for the Public Accounts Committee to say that so much should not have been paid on this sub-head, or that so much increase should not have been granted to certain members of the staff or so much should not have been granted by way of travelling allowance and so on. They would be exceeding their powers if they did it, and they would have no sufficient data if they went into criticisms of that sort, where they had only a lump provision to consider. The Government would thus have a free hand in dealing with these lump provisions, unless they gave us the full details ; and the Public Accounts Committee would not be in a proper position to exercise any scrutiny over the expenditure if the allotment was made in a vague and general form.

Then, again, another safeguard was suggested and that was that scrutiny might be exercised by the Finance Committee. The difficulty that I feel here with regard to the Finance Committee is this : under the Statute it is only a consultative body ; it cannot possibly vote any monies, and the Government are not bound by the advice of the Finance Committee. If the Government undertake—I do not say statutorily—but at least by way of convention to be bound by the recommendations of this Finance Committee, that would go a long way towards mitigating the objections which I have on principle to these proposals. I do not know whether the Finance Department will give an undertaking that they shall be bound by the recommendations of the Finance Committee. If they are not prepared to give an undertaking like that, but will at least give an undertaking that on matters where they differ from the Finance Committee, they will refer the matter to the Assembly, there would be some sort of a guarantee that the expenditure will be properly scrutinised. I am not aware that the Government are prepared to give any undertaking of that sort. I have now explained my difficulties in accepting the Public Accounts Committee or the Finance Committee as providing sufficient safeguards for the scrutiny of public expenditure. The other difficulty is that constitutionally the power of voting monies rests with us, and not with the Finance Committee.

The objection that the Honourable Mr. Hailey pointed out to lumping these sums together is, I must confess, a sound one, if I may venture to express my concurrence with him. There is a difficulty in lumping all these sums together. There is also an advantage in showing these lump sums under different departments, because you know what the expenditure in each department is. It may perhaps be useful also to know what the lump sums all together amount to. Now, in the present Budget, the addition of all these lump sums which are provided will, I am afraid, amount to some crores of rupees. There is one thing which I think the House may perhaps do, and it is to give a certain sum, say half a crore, and place it at the disposal of the Finance Department for meeting all these lump sum provisions out of it. But I do not think it will meet their purposes ; they will not be satisfied with it ; they will require a very much larger sum for meeting their various schemes. Now except by setting apart a small sum, say half a crore or a crore for meeting these lump provisions, or by having an undertaking from the Finance Department that on all matters they will be guided by the Finance Committee, and, in case of difference of opinion, refer it to this House, I do not see how we

[ Sir P. S. Sivaswamy Aiyer.]

can properly abdicate our functions and commit ourselves to all this expenditure. It is really a question of constitutional principle, and let me ask the House once again to take it from me that I do not have the least desire that this House should take upon itself the function of deciding whether ten peons less or ten peons more should be employed or any trumpery matters of that sort. The question of deciding how many officers are necessary for the efficient administration of a department is one which a large body like this cannot easily or possibly undertake. There is a Resolution standing in my name where I seek to cut down the pay of two Deputy Commissioners. My object is simply to elicit information and nothing more. I trust, Sir, that I have made my difficulties clear to the House. I think really it is a question of constitutional principle, and I am jealous of our powers and anxious that we should not part with them lightly. Under all the circumstances of the case, as a solution of the practical difficulties which have been experienced in this, the first year of the reform budget, I would make the suggestion that, if the Government agree to place all the details of all these schemes before the Finance Committee and obtain their concurrence, we may waive our objections; if there is any difference between the Government and the Committee, they should come to us.

**Rai J. N. Majumdar Bahadur :** Sir, I have listened carefully to what the Honourable the Finance Member had to say; he says that

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these estimates are budget estimates of figures supplied by Local Governments and that he had no hand therefore in framing them. But one thing I cannot understand. I believe that each Local Government is represented here by its delegate. Are those delegates simply here to vote on the Government side, or to help the Finance Minister in explaining the details of the lump provisions there?

Are they simply to draw so much salaries and allowance to vote on the side of Government or to come to our rescue just at the time when we are unable to explain these things ourselves? The Finance Department says 'these things came from the Local Government, we have no hand in the matter, therefore you, gentlemen, must vote blindly for these things as we are not responsible.' If that is the case, I think the Government might dispense with the practice of Local Governments sending up their delegates.

It is quite right for the Honourable the Finance Minister to say that the Members of this House should not be over punctilious over these small items; but, as it is said, 'Many a mickle makes a muckle,' and these small things drop by drop go to make up the large sums. It is not in the interests either of the Finance Minister or of the Government or of this House that these little things should be left to the sweet discretion of the local officers who can spend the money just as they like. There is a suspicion at the back of the minds of some of us that whenever we make lump provisions for anything, the money does not go towards the promotion of Indian officers, but towards the promotion of European officers. I personally do not share it, but rightly or wrongly that is the impression; therefore it is right that the details should come to this House and that we should be in a position to scrutinise whether they are necessary or not. Otherwise there is no use our being here. Government might as well say, 'We are all wise men, we are all well paid to do this work, we devote our time to this, therefore there is no need for you to scrutinise them.'

**Mr. P. E. Percival:** The Honourable Member who spoke just now suggested that the representatives of the Provincial Governments should make

some remarks on the subject. I propose therefore to make one or two remarks, though not quite on the lines that the Honourable Member expects. My only point is this, speaking as a district officer—and district officers, district Judges and Magistrates will support me—that the chief trouble we have is the great delay that occurs in these matters. The Honourable gentleman who raised the present objection seemed to imply that Government worked with extraordinary rapidity, that they were very lavish, and their great forte was extravagance and rapidity. I submit, Sir, that that is not the case. The chief characteristic of Government is delay. I venture, Sir, to give just one instance of this. It is the case of the allowances of the bailiffs and peons in the judicial and revenue districts. During the war, as everybody knows, expenses went up, and a war allowance was sanctioned for the bailiffs and peons. None of us had great fault to find with the rate of that allowance; but my point is that the allowance was not sanctioned until after the war was over. It took three years to sanction the allowance. The proposal was made in 1916 and was carried out in 1919. I am not charging the Secretariats in connection with this; it is the system of the Secretariat. The Honourable Members who took objection to the items before the Assembly seemed to imply that these things are rushed through the Secretariat, and that no full inquiry is made. That is not at all the case. The mills of the Secretariat grind slowly, but they grind exceeding small; and what happens is that these most important and necessary increases get quite unduly delayed. The present proposal would tend to delay them even more.

Of course I know nothing about the particular item at present before the Assembly; it arises from the Customs Department. But as a general principle I do say, and I beg to support the Honourable the Finance Member in his contention, that these are matters for Government rather than for scrutiny by the Assembly; I mean the lump provisions. Of course if an Honourable Member holds that a particular officer ought to receive a smaller increase, it is quite right that that should be discussed; but to decide generally that these lump provisions should be reduced from Rs. 3 lakhs to Rs. 2 lakhs, say, the only result of such action will be that the already excessive delay will grow even worse.

**The Honourable Mr. W. M. Hailey:** May I crave your indulgence, Sir, to speak again on this question and to put a concrete proposal before the House? It is this; that in regard to all these lump provisions, we should now explain as fully as possible what they are for, and that if passed by the House, we should incur no expenditure under them until we have placed the case before the Standing Finance Committee. That is to say that if the Standing Finance Committee agrees, we shall incur expenditure against them, and if not, we shall hold the matter up until we have had an opportunity of taking the opinion of this House by Resolution or otherwise. That would be subject only to one stipulation. I think Government ought to make this and I hope that this House will accept it. There are some cases of extreme urgency. We frequently have cases in which we receive wires from Local Governments and it must be remembered that these are largely establishments employed by Local Governments on our behalf—stating that unless we can agree to a revision of pay the work of these establishments will come to an end. I think it will be cheaper on the whole, and more economical if the House were to give us power of emergent action in this behalf, because if you suddenly bring to a stop the work of your customs establishment (for instance, you also bring to an end the receipts of your customs revenue. I would only ask, then, Sir, that the House should agree that we should have this power



[ Mr. W. M. Hailey.]

of emergent action, and where we take this action we shall, of course, report to the Standing Finance Committee that we have done so.

**Mr. B. Venkatapatiraju :** Sir, in view of the assurance given by the Honourable Mr. Hailey that these lump sum provisions will be placed before the Finance Committee, I do not wish to press my motion.

**The Honourable the President :** The question is, that the amendment\* be withdrawn.

The amendment was, by leave of the Assembly, withdrawn.

**The Honourable the President :** I understand the Honourable Finance Member proposes to make a proviso at the end of the motion moved by Mr. Innes. Would he supply me with the form which satisfies him ?

**Mr. B. Venkatapatiraju :** I do not propose to move my next one.

**Rao Bahadur T. Rangachariar :** In view of the happy termination of the last hour's debate I do not think that I need press my motion. My objection was mainly to the local allowances and to these lump grants. The former the Government have promised to examine and in regard to lump sum grants we have come to a satisfactory arrangement and, therefore, I do not propose to press my amendment.

**The Honourable the President :** I must first call on Mr. Innes to withdraw his motion.

**Mr. C. A. Innes :** I beg leave to withdraw the motion.

The motion was, by leave of the Assembly, withdrawn.

**The Honourable the President :** The question is :

'That a sum not exceeding Rs. 66,21,000 be granted to the Governor General in Council to defray the charges which will come in the course of payment during the year ending the 31st day of March 1922 in respect of Customs.'

**The Honourable Mr. W. M. Hailey :** As an addendum to that I beg to move the following proviso, Sir :

'Provided that, in the case of items entered as 'lump provision' in the estimates, no expenditure should be incurred save with the concurrence of the Standing Finance Committee, subject always to the right of Government to incur emergent expenditure against the lump provision, under immediate report to the Standing Finance Committee.'

**The Honourable the President :** The original question was :

'That a sum not exceeding Rs. 66,21,000 be granted to the Governor General in Council to defray the charge which will come in the course of payment during the year ending the 31st March 1922 in respect of Customs.'

Since which the following proviso has been moved :

'Provided that, in the case of items entered as 'lump provision' in the estimates, no expenditure shall be incurred save with the concurrence of the Standing Finance Committee, subject always to the right of Government to incur emergency expenditure against the lump provision, under immediate report to the Standing Finance Committee.'

The question is, that that amendment be made.

The motion was adopted.

**The Honourable the President :** The question is, that the original motion\* as amended, be adopted.

The motion was adopted.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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\* *Vide* page 811 of these Debates.

The Assembly re-assembled after Lunch at Half Past Two of the Clock. The Honourable the President was in the Chair.

**The Honourable Mr. W. M. Hailey :** I beg to move, Sir :

- ‘ That a sum not exceeding Rs. 28,38,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st March 1922 in respect of Taxes on Income.’

PROVISION FOR TWO DEPUTY COMMISSIONERS (MADRAS).

**Sir P. S. Sivaswamy Aiyer :** Sir, I beg to move :

‘ That the provision of Rs. 37,200 for 2 Deputy Commissioners appearing on page 17 be omitted.’

Sir, my object in moving this Resolution is rather to elicit information as to the necessity for the very large proposals for expenditure upon establishments made by the Government of Madras. You will find that they propose an addition to the income-tax establishment of 2 Deputy Commissioners at a cost of Rs. 37,200, 9 Income-Tax Deputy Collectors at a cost of Rs. 32,400, and 61 Tahsildars at a cost of Rs. 1,14,120. A whole crowd of officials is proposed to be created for the purpose of administering this head of revenue. All this establishment is entirely new and the work used to be done by the ordinary revenue establishment of the District and of the Presidency town. It may be said that all this additional establishment is required in the interests of efficiency and for the purpose of a more careful collection of the Income-Tax upon which the Imperial Government is daily becoming more and more dependent. I do not know what precisely are the reasons which have induced the Government of Madras to put forward these large proposals at a cost of nearly Rs. 2 lakhs. Even supposing that as many as 61 Tahsildars and 9 Income-Tax Deputy Collectors are necessary, I do not know whether it is necessary to have 2 separate Deputy Commissioners. It may be said that the work of the Income-Tax Deputy Collectors requires to be supervised by some other authority, and that it is very necessary to have 2 Deputy Commissioners. But what has become of the Collectors, and why can they not supervise the work of the Income-Tax Deputy Collectors? A great part of the work of the Collectors has now been transferred to other persons. For instance, the whole of Local Self-Government work which used to devolve upon the heads of Collectors has now been transferred to non-officials. Most of our local bodies are now presided over by non-officials, and having been relieved of their work to a very large extent, if not wholly, it is not easy to understand why Collectors should not be charged with the work of supervising the work of the Income-Tax Department, as they have been doing hitherto. When I come to the next charge for 9 Income-Tax Deputy Collectors, I shall state my difficulty in understanding how the 9 Income-Tax Deputy Collectors are supposed to be able to do the work for the whole Presidency. However, I shall not dwell upon that now. But what I should like to have information about is the necessity for 2 Deputy Commissioners at a cost of Rs. 37,200. Of course, if it is made out that it is necessary in the interests of the efficient collection of the income-tax and that it is not possible to devolve that work upon the Collectors, I do not wish to press my motion. My object is really to elicit an explanation as to the necessity for these huge increases of establishment for the purpose of collecting the income-tax.

**The Honourable Mr. W. M. Hailey:** Sir, I recognise that these large increases in income-tax establishment, not only in Madras but, as the House will find on looking through our estimates, in other Provinces also, need special explanation. For some years we have found, that with the growing complexity of income-tax work, due partly to the increase of rates and the consequent increased attention that assesses themselves are paying to the preparation of their accounts and the problems of law applying to assessment, our existing establishments are insufficient to meet the case. I think that in very many cases it has been found also by assesses that they did not get the requisite attention from the ordinary revenue officials engaged in executive and general revenue work. Certainly we found on our side, that is to say, as collectors of income-tax and interested in its progressive increase, that the existing agency was by no means adequate for the purpose. We began, therefore, tentatively in the Punjab and, also, in the United Provinces by appointing a special agency. In the first place, that Agency was of the Deputy Collector or Extra Assistant Commissioner type and the result of employing this special agency was at once a very large increase in our income-tax receipts. I do not wish to delay this House unduly, but I desire to read to it an extract from a letter from the Punjab Government which advocated a further increase of their special establishment. It said that the work done by this staff gave very remarkable results, particularly in the cities of Lahore and Amritsar. Apart from increases made in the assessment of old assesses, 355 new cases were detected in Lahore yielding an assessment of Rs. 34,000 and 625 new cases in Amritsar yielding an assessment of Rs. 40,000. It added that advantages of the operation were not limited to increased assessments. The burden was also adjusted more equitably.

Small men who ought not to have been included in the assessment lists had been removed from them in the light of fuller information obtained and friction had been reduced to the minimum. There are some interesting figures regarding the rates of increase obtained in different towns as a result of putting on a special staff of the class I have described. Excluding the increase due to enhancement of rates and excluding also remissions on objection, the increase had been in Lahore 49 per cent., in Amritsar 33 per cent., in Ferozepore 28 per cent. and so on for other towns. No doubt, Sir, there are certain Members of this Assembly who come from those towns who may have cause individually to deplore these increases, but I cannot help feeling that the Assembly on the whole will welcome the fact that the tax has been at the same time assessed more equitably and also more profitably to Government. Seeing the success that had followed in the Punjab and in the United Provinces—I will not read to the House the results of the United Provinces, but they have been much the same—we proposed to other provinces the appointment of a similar staff purely for income-tax work. Now that special staff takes two forms. In the first place in the large presidency towns we are trying to get experts for the purpose. Let me take one example. I am sure the Members of the Assembly who come from Burma will bear me out as to the result that has followed from the employment of an expert in Rangoon. The Local Government's evidence on the subject was that there was no doubt that the Act was much more efficiently administered in Rangoon than in any other part of the province, and they ascribe the efficiency to the superintendence of the special Collector, Mr. Holdsworth. It is interesting to note how concurrently with

Mr. Holdsworth's appointment the annual income in Rangoon at once began to exceed all previous records for the province. The figures are :

	Lakhs.
1916-17 . . . . .	25
1917-18 . . . . .	32
1918-19 . . . . .	50
1919-20 . . . . .	69

That was the result of employing an expert in Rangoon itself. Meanwhile what was happening in the other districts of the province, in which there was no special establishment? The figures are curious :

1916-17 . . . . .	8,27,000
1917-18 . . . . .	8,54,000
1918-19 . . . . .	9,20,000
1919-20 back again to . . . . .	8,21,000

Well, Sir, that was one part of our proposals to employ a highly expert establishment, in the big commercial centres. The second part of our proposals was to employ a special establishment not so highly expert of course but of the nature of a special revenue establishment, working in the districts and the towns generally of the provinces. That establishment was to be superintended by a Commissioner for income-tax. The Commissioner would have under him two or more (according to the size of the province) Deputy Commissioners who would be promoted from the special staff recruited for the purpose, who would carry out the major assessments and hear appeals for all minor assessments. They would be of the rank of Senior Deputy Collector or Extra Assistant Commissioner; under them would be Assistants of the type of Provincial Service officers who would carry out all minor assessments. Those proposals have been accepted by the Punjab, the United Provinces and the Central Provinces. They will, I admit, lead to a very considerable increase in expenditure, but I myself believe and I think the House will agree after what I have read out to it that the increase of expenditure on the establishment is likely to be made up many times over by the increase in collections. Coming now to the particular question that Sir Sivaswamy Aiyer has put to us, I may point out that the two Deputy Commissioners in Madras are the first provisional appointments for realising an establishment of this nature. Madras has not yet got out its full proposals for the extended specialised income-tax establishment, but it proposes to begin with two Deputy Commissioners. They will, I assume, hear the appeals, at all events appeals on minor amounts, from the assessing officers in the province. I think I have given the reason why in my opinion the ordinary Revenue Collectors to whom Sir Sivaswamy Aiyer referred are really no longer capable of undertaking this highly expert work of income-tax assessment. I would remind my Honourable friend that it was only a few days ago a Member of the Assembly from his presidency, Mr. Narayandas Girdhardas, brought forward a Resolution in this House, which pointed out what he described as an inequitable arrangement, from which certain assesses in the province, namely, the Guzarati and Marwadi traders, were suffering. He complained of a rule passed by the Madras Government in regard to the preparation of their accounts. We attributed that rule entirely to the fact that the Madras Government had not up to date employed a specialised establishment for income-tax work and we told him, and I think he was satisfied with our answer, that we proposed to ask the Government of Madras in appointing the specialised establishment to make provision for the particular difficulty to which he referred in his Resolution. That the need for an increase in the Madras income-tax establishments is a real one, I really believe, because I notice that both in this House and in the other

[ Mr. W. M. Hailey.]

House a very large number of questions have been directed to us from Madras regarding income-tax assessments and collections; and it is on this ground that I would ask the House to accept this, the initial step in the appointment of a specialised staff in that presidency.

**Rao Bahadur T. Rangachariar:** In arguing against the motion the Honourable the Finance Member has pointed out the advantage which accrues to the Government from employing a specialised staff. That I readily admit. We know from our own experience that whenever a specialised staff is employed for a special department, there is always a tendency to show up the income.

There was one curious feature in the statement read to us to-day by the Honourable Mr. Hailey in giving us an account of the operations in the Punjab. The figures are given of the increases and credit is taken for having excused certain people who ought not to have been on the books; but curiously enough the number of such cases was not given. A special Department always means working up—they desire to work up and to show progress, and the only way in which Revenue officers show progress is by showing collections. The working of the Income-tax Act has caused, I know, a great deal of heart-burning in the Madras Presidency. I do not know how it is in the other Provinces. The Honourable the Finance Member, in justifying the extra burden, has referred to the Resolution moved by my Honourable friend, Mr. Narayandas Girdhardas, as a justification for his measure. What that motion has to do with the present question I fail to see. He asked that certain Marwadi and other merchants in the Madras Presidency should not be asked to keep their accounts in two languages, and that the authorities should make their own arrangements to examine their accounts. I wonder if the Honourable the Finance Member considers that the employment of these two Deputy Commissioners is going to relieve that situation. They will be, whether they belong to the Provincial Service or the Civil Service, persons wholly ignorant of the two languages with which we are concerned, and I do not see how that is an argument for introducing this new system.

My objection to this is twofold. In the first place, the ordinary Revenue Department have not got enough work to do. You have got a very costly Revenue Board in Madras—which all attempts to remove have failed; and with that Revenue Board in existence the Collectors should have been relieved of a number of their other duties, as was pointed out by Sir Sivaswamy Aiyer. I can understand transposing some officials from that Department and making them do special work; but my objection is to creating new officers which will add to the burden on the tax-payer. We want every pie we can save to be saved. What is the necessity for introducing this set of highly paid new officers when our old officers continue and they have been relieved of a lot of their other work, continue in larger numbers. As has been admitted by the Honourable the Finance Member, this is the thin end of the wedge. This proposal this year to employ two Deputy Commissioners and nine Deputy Collectors is the beginning of a system that means, Sir, I do not know in how many divisions the Madras Presidency is to be divided. You have eight divisions for agriculture and other things and I suppose you will have the same number. That is, you will have eight Deputy Commissioners and an army of Deputy Collectors. This multiplication of departments, and multiplication of officers, adds directly to the burden on the Exchequer and adds indirectly to the burden on the people. We know that all these officers go on circuit and the poor villagers have to find provisions, etc., for them. You

have already got a lot of these Departments, Forest, Salt, Police, and you have the ordinary Revenue; and you are now going to add this special Revenue, and all this means a heavy burden on the people. I do think, Sir, that this should not be encouraged, and while I admit the importance of specialisation, I do not think there is any need for creating new officers. It is a question whether you cannot divide the work among the existing officers.

**Mr. J. K. N. Kabraji :** Sir, I should like to supplement the information given to the House by the Honourable the Finance Member by what is within my own knowledge regarding the working of the special income-tax establishment in Bombay. It is not a new feature there but has been in force for some years now, and there it has been found advisable and desirable to increase the special establishment in more and more districts as a result of the experience of their work. It is not merely, as Mr. Rangachariar suggested, it is not merely that their work is to increase the income-tax collections; but I have generally found that the special establishment, by their expert knowledge, are in a position to satisfy the assesseees themselves in more ways than one. Not only has the employment of the special establishment enabled the district authorities to knock off a good many assesseees who were not rightly assessed, but in a large number of cases it has been found that the assesseees whose income-tax has been increased by the special establishment have not thought it necessary to appeal, and I remember particularly well that in one district where I was—in Bijapur, I mean—when the special establishment was newly introduced there, a large number of supplementary assessments were made, but very few of them were appealed against. This is a result which I think must be satisfactory to the public at large, because they feel convinced that their accounts are properly examined and overhauled, and that there is not much ground left for them to complain about. Under the former system, when the Revenue officers had to do this income-tax assessment work in addition to their other work, I must admit that they sometimes did it more or less perfunctorily. And I can understand it too, because they have not a special or expert knowledge of accounts, whereas the special establishment does nothing but this work, studies the accounts and compares them in various directions, and the result is both an increase of income-tax and a reduction in the number of appeals, since people have not much cause left to complain.

As regard's the addition of these special establishments, I must say, from my experience in several districts, that it is almost impossible for the ordinary Revenue establishments to carry on this work, and if they have got to carry it on, it is so much loss to the public revenues, inasmuch as a good number of persons liable to assessment or enhancements remain to be discovered. There is, therefore, real economy in having this extra special establishment, and the expenditure is several times covered by the results.

**Khan Bahadur Chaudhuri Wajid Hussain :** Sir, I am extremely sorry to find that my Honourable Colleague, Mr. Rangachariar, is very hard on the sins of poor Government officials. He seemed to imagine yesterday that the subordinate Government officials were like so many vampires sucking the blood out of the anæmic body of Indian finance. And he seems to have imagined to-day that the superior executive staff have absolutely nothing to do and they spend their time fiddling away at the collectorate. All I can say is that Mr. Rangachariar has probably had nothing to do with Government officials of the subordinate branch or the superior branch. My friend from Bombay has explained to the House how it is not only in the interests of the Government, or of the Assembly to be more correct,

3 P.M.

[Khan Bahadur Chandhuri Wajid Hussain.]

that the special staff for income-tax should be maintained, but that it is in the interests of the assesseees themselves that such a staff should be maintained. I shall explain to the House what the weak link of the existing organisation is, so far as it relates to income-tax work. Income-tax work presupposes a certain amount of special knowledge of the language in which accounts are kept. Before the present system was introduced in the United Provinces, the work of examining *Bahi Khatas* and other account books was often left to small clerks, clerks on Rs. 15 or Rs. 20 a month, who alone could understand these books. The consequence was that the over-worked executive staff had to depend almost entirely on the report, and, I am sorry to say, on the suggestions of this ill-paid staff. It was all very well for people who could put a little money into the pockets of these small clerks; but for people who were above it was a great hardship. The consequence of this was that a large number of people who should have been assessed to income-tax were left alone, and a large number of people who should not have been assessed were assessed and there was a very large number of appeals and a very great number of these appeals were accepted. But the present system has enabled the income-tax officers to personally inquire into the condition of each assessee, to personally examine the registers, and to make themselves acquainted with the tricks of the trade, and the results are exceedingly satisfactory. I will ask the permission of the House to present the results of the Lucknow district to which I had the honour of being attached 4 or 5 years ago, and where I did part of the income-tax work. The former arrangement was that all the Sub-Divisional Officers had to do income-tax work and the work of these Sub-Divisional Officers has of late been entrusted to one Deputy Collector who is known as the income-tax officer. The result has been an increase of over a lakh of rupees per annum. The number of appeals decreased immediately by half; and as for the number of appeals which have been accepted, it was reduced, if I remember rightly, to two. You will thus see, Sir, and that it is really more in the interests of the assesseees themselves,—of those assesseees of course who want to be fair and square—not assesseees who do not want to be fair and square—it is in their interests that this staff should be maintained; because, as I have said, the practice, before the introduction of this scheme, had been that the rabbits were muzzled while the great carnivores were left unmolested.

**Beohar Raghubir Sinha:** Sir, I have to express my agreement with what the Honourable gentleman on my left (Mr. Wajid Hussain) and my Honourable friend on the other side (Mr. Kabraji) have just said on this point.

**Mr. Muhammad Yamin Khan:** Sir, I do not know anything about other provinces except the United Provinces in this respect. I have had some experience though I am not a Government servant, but as a public man I have some experience, and I know that formerly this work was carried on almost entirely by Tahsildars and by their Sub-Divisional Officers who had their own work to finish; and they were so much over-burdened that they did not see this work properly. The result was, that, as Khan Bahadur Wajid Hussain has said, a lot of people who ought not to have been taxed were taxed, and a lot of people who ought to have been taxed at a higher income were not taxed properly at all. The work was carried on very inefficiently formerly. These gentlemen could not understand the big *Khatas*; they could not go through the accounts properly. Usually what they did was to leave their work in the hands of minor officials, and the result was disastrous. Now, Sir, we find that from the time the new arrangement has been made, the income-tax officers have been working very well; and we find that there

has been a considerable enhancement in the income, and there have been very few complaints made on the assessments by the present officers. I am not only a public man, Sir, but I belong to the legal profession, and I know that I used to come across a lot of appeals on the income-tax side of the assessments, and that their number has been reduced considerably since the establishment of the present system. It shows that the system has worked very well. Besides, Sir, there is another point. We ought to have as income-tax officers persons who should possess great integrity and who should be above any temptation; and for this purpose their salary should be proper. Any reduction in this will mean not only a reduction in the revenue but also it will lead to great corruption. We have found invariably that wherever income-tax establishment has been lowly paid there has been decrease of revenue and greater corruption. If we do not grudge a good salary to the income-tax officer the result will be a great benefit to the income of the Government of India. With these few remarks, Sir, I think there should be no reduction on this side.

**The Honourable Dr. T. B. Sapru:** Sir, there are just one or two aspects of this question which I would like to place before the House. I entirely endorse the observations which have fallen from my friend, Chaudhuri Wajid Hussain and also from my friend, Mr. Yamin Khan. Now, so far as the United Provinces are concerned, I can say from my experience as a lawyer—and that is by no means very antiquated for nearly two months ago I was in the profession—that the general feeling is that the administration of the income-tax has undoubtedly improved since the special agency came into existence.

The Income-tax Act, as it now stands, is an exceedingly complicated Act. It requires very careful study and an ordinary officer of the rank of a Deputy Collector or a Tahsildar, who has not given special thought to the administration of that Act, will, I venture to think, be found in the long run to be inefficient. I have been consulted in a number of cases arising out of the Income-tax Act in my own province, and the general impression left on my mind is that so far as the question of assessment is concerned, it has been tackled much more efficiently during the last two or three years by this special staff than used to be the case when subordinate officials used to carry on the work in a more or less perfunctory manner. Again, it must be remembered that so far as the United Provinces are concerned, we have got some big commercial centres like Cawnpore and Hathras and certain other places and then we have got a large number of money-lenders all over the province. I have had a considerable amount of experience of the kind of account books kept. I do not profess to be an expert in account books but I can say this much, that unless a man has given special time to the study of the system of account books he will never be able to deal with the various questions that may arise under the Income-tax Act. Well, I don't know anything about Madras and how things have been done, or are done there at the present moment. But I can say, from my experience of the United Provinces, that although there may be some feeling in the minds of people who want to save money at the expense of the public exchequer, yet the general view taken is that the administration has certainly improved since this staff came into existence. I would, therefore, venture to oppose the Resolution of Mr. Rangachariar.

**Mr. N. M. Samarth:** Sir, I believe this general discussion misses the point of the specific proposal before the House which Sir Sivaswamy Aiyer



[Mr. N. M. Samarth.]

has brought forward. I come from Bombay. Nobody can accuse Bombay of inefficiency of administration in so far as income-tax is concerned. The question is that in the column of 'Salaries' the total for Madras budgeted for next year is Rs. 89,160. If you refer to Bombay, the total under 'Salaries' is Rs. 80,700. With 1 Commissioner, 1 Collector, another Collector and Superintendent and Deputy Collector and Chief Examiner of Accounts, Bombay is able to manage very well, and manage, I think, according to even the Honourable the Finance Member, very efficiently its administration of income-tax. Now what is the income-tax in Bombay? It is more than three times that of Madras and yet, with three times more of the collection of income-tax in Bombay which has never been depreciated, at any rate to my knowledge, as insufficient or inefficient—we have been able to manage with these high officers who cost only Rs. 80,700. Is it right or is it wrong then on the part of Sir Sivaswamy Aiyer to say that for Madras at any rate, let not the higher salaries go beyond Bombay and Madras be made to pay Rs. 89,160. That is the issue before the House and I trust the House will decide in accordance with that.

**Rai J. N. Majumdar Bahadur:** Sir, this increase of salaries of officials reminds me of the story of a nobleman in Bengal who was very fond of buying mangoes at high prices howsoever sour the mangoes might have been. If mangoes were brought to him and he was told they cost Re. 1 each, he used to say 'excellent'. But if even fine mangoes were brought to him and he was told that they were bought at 100 mangoes for Rs. 10 he used to say, they were good for nothing. So, I say, if you pay an official a high salary, he is worth much more than if you pay him a small salary. I think it will be doing great injustice to our sub-divisional officers who have been doing all this work, and to our magistrates and collectors who have been all along doing this work with great efficiency and whose administration of the income-tax has not been found fault with by the Government.

Of course, I must place great reliance upon the testimony of my Honourable friend, the Law Member, who says that the income-tax administration of the United Provinces has grown very efficient because it has got a Commissioner of Income-tax at Rs. 37,000 a year. Of course, when a man is being paid a high salary, his administration must be presumed to be very good: but I find at the same time that the pay of the chief adviser to the Government of India on income-tax is only Rs. 27,000 a year, lower than that of the Commissioner of the United Provinces. The United Provinces must be a very lucky province in that it has been able to entertain a Commissioner of Income-tax at Rs. 37,000 a year, and his income-tax administration has been very successful. We have heard from two lawyers that the people there are very contented and that their assessments have been very good. We accept that, and, following the same principle, I think it would be better to raise salaries all round in Bengal, Bombay, Madras and so on. Why not make additional grants to those provinces? Why give them poor salaries? For I find that in Bengal, poor Bengal, the Collectors of Income-tax get Rs. 1,550 and Rs. 1,500; two persons are getting only Rs. 36,000, and in the United Provinces one man is getting Rs. 37,000! Why not make them all more efficient in this way?

Simply absurd! Our Deputy Collectors are very efficient and I maintain that they are as efficient as the so-called experts. Where have these experts been trained? Is there a College of Income-tax in India where they teach them all the intricacies of accounts? It is people of the same or even

inferior qualification who are appointed to do these things. They are not indented for from England or anywhere else. The Deputy Collectors are performing the same duties and will do the same work. But as they pay high prices for mangoes, so they will become sweet.

**Mr. E. L. Price:** Sir, I do not think anybody yet has put forward this question from the point of view of the people it most intimately concerns, and that is the assessee. In Sind there is a constant complaint - it is tabulated at great length in the papers—to the Commissioner in Sind about the methods of the income-tax collectors, and we did hope that the whole trouble would be got over by putting some sort of Income-tax Commissioner in charge who would be able to deal with appeals and deal with the matter in an efficient way and get things put straight. I can assure Government that in Sind there is a great deal of dissatisfaction arising from the inefficient—well, alleged inefficient—methods of collection. To my knowledge, in Karachi itself, there are a great number of questions outstanding with the Income-tax Department and I say distinctly, Sir, that we do want a special staff to deal with these income-tax questions which are too complicated for a man with little or no special training in accounts.

**Sir P. S. Sivaswamy Aiyer:** Sir, my object in moving this Resolution is mainly to elicit information as to the necessity for these proposals and to some extent to give expression to the dissatisfaction which has prevailed with regard to the administration of the income-tax. Dissatisfaction on the administration of the income-tax is bound to prevail more or less everywhere and I do not intend to refer to that aspect. But what I do wish to draw attention to is legitimate dissatisfaction—the feeling of the assessee that their cases are not fully gone into.

I know that there is dissatisfaction, and I have had considerable experience in this matter and I know also that there is real ground for it. It may be that one advantage of a special staff is that it gives them more time to go into cases and arrive at just conclusions. If the only object of the special staff was to ensure efficiency and to deal justly with complaints, I should not care to press this motion. Having regard to the explanation given by the Honourable the Finance Member, I do not believe it would be right for me to take the responsibility of moving for the omission of this item. But I should like to press it upon his attention, that side by side with efficiency in collection, it should be impressed upon all officers concerned in the administration of the income-tax that the tax should be collected justly and not oppressively. That is the injunction that ought to be brought home to the mind of every Income-tax Collector. If this increase of establishment will facilitate the attainment of that object, I for one would not grudge this expenditure. Therefore, if the House has no objection, I am prepared to withdraw my motion.

**The Honourable the President:** The question is, that the motion be withdrawn.

The motion was, by leave of the Assembly, withdrawn.

**Mr. B. Venkatapatiraju:** Sir, I move

‘That the provision for two Deputy Commissioners (Madras) be reduced from Rs. 37,200 to Rs. 12,000 by substituting two Deputy Collectors on Rs. 500 per mensem for two Deputy Commissioners on Rs. 1,550 per mensem.’

Now you find there is another Deputy Commissioner and Secretary to the Chief Commissioner of Income-tax and you are having two Deputy Commissioners at a cost of Rs. 25,000 more than if you had two Deputy

[Mr. B. Venkatapatiraju.]

Collectors. Is it because they have not the power of hearing appeals, for I am not sure that the new officers are given that power. If you do not give the Deputy Commissioner the power of hearing appeals and of disposing of cases that may be brought before him in regard to revenue, then I respectfully urge you to appoint Deputy Collectors because it is useless to spend more money by employing higher salaried men. If they have not got these powers, what is the reason for employing higher salaried men?

One more factor is that we know the reasons why the appeals are fewer now, it is because they are rejected without the cases being heard sometimes. A vakil in Madras cannot appear in income-tax cases by right. They are obliged to pay income-tax assessment besides paying Vakils' fees when they are frequently rejected. Why should they pay? We in this House can see that no economic purpose would be served by having these high salaried officials. I have nothing to say against them but I do think we should manage with a low salaried official. We have got to make retrenchments and conserve our finances and I do not see any necessity for two Deputy Commissioners when two Deputy Collectors on a much less salary would do equally as well.

**The Honourable the President:** The question is, '*that the provision for two Deputy Commissioners (Madras) be reduced from Rs. 37,200 to Rs. 12,000 by substituting two Deputy Collectors on Rs. 500 per mensem for two Deputy Commissioners on Rs. 1,550 per mensem.*'

**The Honourable Mr. W. M. Hailey:** Sir, I should like to answer the question which has just been asked us by reading out a portion of a despatch which we sent to the Secretary of State on this subject. Our proposals were these :

'It has generally been agreed that in each province the specialised staff should be under the control of an Income-tax Commissioner; under the Commissioner there will be a number of Deputy Commissioners, varying according to the size of the province, and under the Deputy Commissioners a staff of Collectors. The Collectors, whose status will be generally that of officers of the Provincial Civil Service, will do the actual work of assessment, while the Deputy Commissioners will supervise the work of Collectors and also hear appeals from their assessments.'

It is exactly, Sir, in order that we might have proper proceedings for hearing appeals, that two Deputy Commissioners of this status have been proposed.

Now, my Honourable friend, Mr. Samarth, compared our proposals for Madras with those of Bombay, and he said they managed in Bombay—and managed very efficiently—with a far cheaper staff. I should like to remark that these two Deputy Commissioners are not meant as I understand for Madras City only; they are meant for the Madras Presidency as a whole, and if you compare the total scale of expenditure on income-tax establishments in Madras with those in Bombay, you will find that Bombay spends over 2 lakhs—or proposes to spend 2 lakhs—a year more than Madras.

I should like to point out to the House that big as these sums demanded for income-tax establishments may seem, they are not on the whole of an extravagant nature. Our total income-tax estimated collections are 22 crores and 39 lakhs of rupees, and our estimate of expenditure is less than 2 per cent. Now 2 per cent. for the assessment and the collection of income-tax is not, I think, a high figure when you come to consider the vast area of country over which these collections extend, and the great variety of books that have to be translated and audited for the purpose, I think you will agree with me when I say that in the circumstances 2 per cent. is not a very high figure for assessment and collection.

As for the rest of the points under discussion, I do not think I need argue them again. But my Honourable friend, Dr. Sapru, has asked me to read one paragraph from a United Provinces report to confirm what he himself said a short time ago, as his own experience gained as an outsider, regarding the improvement of income-tax work. When I have a good case, Sir, I always like to leave it for the support of other Members of this House, and I claim that I have got ample support here, and no special plea on my part is necessary at all. This is what Dr. Sapru has asked me to read out :

‘ The appointment of a special agency to deal with the assessment of income-tax, on the necessity for which the Board laid great stress in their last triennial review, was distinctly an experiment and has been fully justified by the financial results. But an equally important point was the need for careful assessment in the interests of the tax-payers themselves as frequently large sums are involved. When the new Act came into force, the Government of India expressed its desire that the Act should be administered in a sympathetic spirit, and in particular, that assistance should be given to assessors if they found any difficulty in filling up their returns of income.

This object has been kept in view by assessing officers, many of whom, particularly in the larger cities and trading centres, have won the good-will and respect of the assessors while not whittling down assessments. An assessment to be accepted without civil must be understood by the assessee and the time devoted ungrudgingly by many officers to explaining the methods followed and results obtained has been amply repaid. Not that the tax has become popular, but friction has decreased in its administration.’

After that, Sir, I do not think it is in the slightest degree necessary to answer either the gibe of Mr. Venkatapatiraju regarding the bribe-taking propensities of our establishment or the suggestion that the whole of this work could be done efficiently in spite of the altered circumstances regarding Income-tax Law, by the Ordinary Revenue Collectors.

**Mr. B. Venkatapatiraju :** I do not press my amendment, Sir.

**Mr. E. L. Price :** The House is faced, I should think, with a determined effort on the part of Madras Members to get rid of competent and well-paid officers and get cheaper ones in their place.

**The Honourable the President :** Order, order. I understand that the Honourable Member wishes to withdraw his motion.

**Mr. E. L. Price :** But, Sir, I want to accept his offer and get such a good officer transferred to Sind.

**The Honourable the President :** The Chair cannot be expected to make itself a party to corrupt bargains! (Laughter). The question is, that the motion\* be withdrawn.

The motion was, by leave of the Assembly, withdrawn.

#### PROVISION FOR NINE INCOME-TAX DEPUTY COLLECTORS (MADRAS).

**Sir P. S. Sivaswamy Aiyer :** Sir, I do not move 2 (b), *viz.*,

‘ That the provision of Rs. 32,400 for 9 Income-Tax Deputy Collectors (page 17) be omitted.’

It covers more or less the same ground as my motion regarding Deputy Commissioners.

#### COMMISSIONS TO PRIVATE INDIVIDUALS.

**Sir P. S. Sivaswamy Aiyer :** Sir, I beg to move

‘ That on page 17, the item ‘ Commissions paid to private individuals—Rs. 1,200, be cut out.’

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\**Vide* page 827 of these Debates.

[ Sir P. S. Sivaswamy Aiyer. ]

I take it, Sir, that this term 'private individuals' is a euphemism for tale-bearers and informers. I think the work of the Income-Tax Department can be administered sufficiently well without the payment of *bakshish* to informers, and that we might very well trust to envy and spite to help the Department even better than to informers. It may be said, that after all, the amount involved is very small. But I object on principle to the grant of this sum to informers, and I do not think that the Department will stand to lose very much by the omission of this small sum of Rs. 1,200. On the other hand, we gain by the assertion of a principle that tale-bearers shall not be paid.

**The Honourable Mr. W. M. Hailey :** Sir, I must confess to ignorance. I do not really know what this Rs. 1,200 is. I surmise that as a matter of fact it is not really a commission; it is only a payment for collection which is made to certain heads of firms. If, Sir, it does really represent what my Honourable friend thinks it may do, that is, a payment to informers (which I cannot believe), I would unhesitatingly agree to cut it out. And, as it is, Sir, the sum is so small one way or the other that if the House thinks that it is undesirable, by all means let us cut it out.

**Sir L. P. Watson :** Up until recently Government allowed a very small commission to those employers of labour who collected income-tax from their employees, and as I was one of those who did this, it is just possible that a portion of the sum of Rs. 1,200 found its way into my pockets. It was not a bribe.

**The Honourable the President :** The question is,

'That the provision of Rs. 1,200 for commissions paid to private individuals (page 17) be omitted.'

The motion was adopted.

**Sir P. S. Sivaswamy Aiyer :** Sir, I do not wish to move the other motions. My objections to all these lump provisions are covered by the understanding we arrived at this morning.

**Mr. Piyari Lal Misra :** Sir, my motion is a very simple one and it is this :

#### REDUCTION OF THREE APPOINTMENTS IN THE CENTRAL PROVINCES.

'That the sum of Rs. 1,47,720 be reduced to Rs. 96,720 by the reduction of three appointments of Income-tax officers, 1 Commissioner and 2 Deputy Commissioners, in the Central Provinces on page 23, Demand No. 2.'

Sir, by this motion I ask the House for a saving of Rs. 51,000 by cutting out three appointments, *i.e.*, one Commissioner's which carries a salary of Rs. 27,000 per year and two Deputy Commissioners' which carry a salary of Rs. 24,000 per year. Sir, it is a well-known fact that the Central Provinces is one of the poorest and backward provinces in India, and a saving of Rs. 51,000 per year will be of immense use for fostering the industries and other things which are very necessary for the province. Sir, you will notice that I have not touched the 13 Collectors under this heading whose pay is Rs. 96,720. Therefore, my submission is that these 13 Collectors are quite enough to look after the work of income-tax. The present Deputy Commissioners in the Central Provinces have, if I may be permitted to say so, very little work to do. They have besides some miscellaneous work to look after, some revenue appeals and some criminal appeals. Therefore my submission

is that this work of income-tax may be entrusted to these Deputy Commissioners in the Districts. As regards the Commissioner's work of income-tax, the present Inspector-General of Registration who is in charge of that work is quite sufficient for the purpose. There has been a lot of discussion over these Mahajan accounts and other things I wonder who these Deputy Commissioners are. As far as my experience goes, and as far as these Income-Tax Collectors whose number is put down here as 13 are concerned, about a couple of these Collectors who have recently been put in under the Department of Income-Tax are fresh from colleges. They passed out about six months ago, if not more, and they were at once put in as Collectors of Income-tax. I ask the House what experience of accounts, complicated accounts of Mahajans, they have got? Practically none. Similarly, I am not in a position to state the experience of the two Deputy Commissioners who have been put down here. But so far as I understand, and so far as my knowledge and information go, these two Deputy Commissioners are not possessing that experience which a man ought to possess in checking the accounts of these bankers and Mahajans. However, as I have submitted before, I have allowed these 13 Collectors. The remainder of the work may go to the present Deputy Commissioners and the work of the Commissioner may be taken up by the Inspector General of Registration.

This is all I have to say.

**The Honourable Mr. W. M. Hailey :** I think the House would join with me in wishing that Mr. Piyari Lal Misra had discovered a little earlier the iniquitous arrangement which we are proposing in the case of the Central Provinces. It would have given the House and myself a little longer time to think over it. But my answer will be a short one. If I have carried, as I hope I have, the House with me in regard to this system that we propose to introduce in other provinces there is no special reason why we should not introduce it in the Central Provinces also. Whatever the virtues of the Inspector General of Registration and similar officers to whom my Honourable friend referred, I believe that I am well advised in thinking that a special Income-tax Commissioner would probably be even more successful. Now, Sir, with regard to the particular points raised, I am afraid that Mr. Piyari Lal, if he carries this amendment of his, will find himself in the unfortunate position of one of those careful housewives who by scraping and economising make savings in their daily expenses only to find those savings taken away from them by a tyrannical husband. If the House cuts out this sum of money from this budget, the saving will not go, as Mr. Piyari Lal hopes, to his distressed province, but will be reappropriated by this Assembly for its own sinister purposes. Now, Sir, he asks us who these two Deputy Commissioners are. They are, if the Central Provinces is following the system followed elsewhere, promoted Provincial Civil Service officers.

He says that he does not think that they are experts at their art. In that case the best thing would be, when the case comes up next year, for us to propose to the House that they should be paid Rs. 1,500 instead of Rs. 1,000, in order to get special experts. For the present I should advise the House to allow that provision to stand.

**The Honourable the President :** The question is, that this reduction\* be made.

The motion was negatived.

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\*Vide page 830 of these Debates.

REDUCTION OF THE DEMAND UNDER HEAD 'TAXES ON INCOME' BY RS. 8,03,060.

**Rao Bahadur T. Rangachariar:** Sir, I beg to move,

'That the demand under head Taxes on Income (No. 2) be reduced by Rs. 8,03,060.'

On page 16 of the Budget Estimates Honourable Members will find the total expenditure under this head was only 8,11 809 and the revised estimate for last year or rather for the outgoing year is 11,55,000 and Honourable Members will notice that the proposed expenditure is 29,78,000, that is more than three times what it was in 1919-20, more than two times what it is in the current year. Honourable Members will also notice that for the United Provinces, for which so much credit was claimed a few minutes ago, from 1,88,000, the proposal is to increase it to more than 5 lakhs. Similarly for Bengal, the proposal is to raise the amount from 1,64,000 to nearly 4 lakhs and for Bombay from 3 lakhs to nearly 6 lakhs and for Madras from 1,78,000 to nearly 4 lakhs. It appears to me that at a time when the financial position is what we are passing through, the Department is trying to push through schemes rather hurriedly. On that ground, I appeal to the Honourable the Finance Member that he should put some check on the pace at which this Department wants to progress, for really we cannot afford at this time to spend so much, it is more than three times what the expenditure was in 1919-20. Looking at the details also, we find a number of lump provisions which were dealt with this morning, but even apart from the lump provisions, there must be some way of checking this expenditure and I await the information to be given by the Honourable the Finance Member for this extraordinary increase in this Department.

**Mr. J. Chaudhuri:** Sir, I would invite the attention of the Honourable the Finance Member to the increase of income-tax establishments in Bengal, which has risen from last year's revised estimate of 1,64,000 to 3,96,000 and I would also invite his attention to the fact that while the deficit in respect of Establishment charges that the Government of Bengal had to make good was 1,15,923 in 1919-20, in the current year it is put down at 1,29,000 in the 1921-1922 Budget. That is, out of the provincial share, we shall have to pay a contribution to the Government of India to the extent of 1,29,000. Now we have been demanding a share of the income-tax and we have been running our province at a deficit of 2½ crores and therefore I do not consider it at all fair to Bengal to further debit Bengal to the extent of 1,29,000. At least the Finance Member, in justice to Bengal, should give us relief to that extent and that is my submission.

**Babu K. C. Neogy:** In reply to my Honourable friend, Mr. Piyari Lal Misra, the Honourable the Finance Member suggested that the provinces would not gain by any reduction that we may make in the income-tax establishments. But I like to remind this House that under the new financial arrangement each provincial Government is required to pay 25 per cent. of the cost of the special income-tax establishments as a condition of being allowed to enjoy 25 per cent. of the increase of assessment over the income-tax revenue of 1920-21.

In regard to this matter I put some questions and it is quite clear now that the concession is altogether illusory, particularly in Bombay and Bengal. The reason is that the income-tax revenue of the ensuing year is calculated to fall below the revenue of 1920-21 in some provinces and also that we have to find a quarter of the cost of the income-tax establishment in each province. So

that if the cost of income-tax establishment goes on increasing and increasing, the concession which was intended to be made to the provinces by the Joint Parliamentary Committee would be altogether worthless and Devolution Rule No. 15, clause (1), would become a dead letter.

**Rai J. N. Majumdar Bahadur :** Sir, the other day my Honourable friend, Sir Godfrey Fell—whom, in spite of my prejudices, I have come to like for reasons which I cannot tell—said that the more you spend on the Army, the better for India. To-day I heard another Honourable Member say ‘The more you spend on income-tax establishment, the better for India’. The idea seems to be that you benefit India by spending more money all round. Why indeed should one Department have the monopoly of spending? On that basis, the Honourable the Finance Minister was quite justified in saying that we should spend more on income-tax establishment. But I am rather surprised that with the same establishment, with the same officers almost, we shall have to pay more than thrice what we paid before. As I have already said, we have not opened a special college for training income-tax officers, neither are we going to indent for them on Germany or England. The very men who are now doing the work will do it in future, but all of a sudden we are raising our establishment to twice or thrice its present strength. This is serving India with a vengeance and India may well exclaim ‘Save me from my friends.’ The Government position appears to be that the more money we spend on income-tax establishment, the richer we shall be; the more men you appoint to do this work, the more money will they secure from people who cannot pay income-tax. That is, I think, to gradually relieve them of their all and to send them to the bourne from which no traveller returns.

Now, in Bengal, there are two Income-tax Collectors at present and we are going to increase that number to three. What justification is there for that? The same incomes have to be assessed; then, why should there be three men if two men were quite enough before. Then, in place of 120 clerks we are now to have 164 clerks. All this increase means so much loss to the Government itself, because the more we increase establishment the less income comes to the Government. Therefore, I say, we ought to reduce our establishment and economise our administration as much as possible. The Government, on the contrary, has been in the habit of spending money extravagantly for a long time and cannot show any economy even in these days of high prices.

**The Honourable Mr. W. M. Hailey :** Sir, I am afraid I did not gather sufficient of that somewhat confused symposium which was presided over just now by my Honourable friend, Rai J. N. Majumdar Bahadur, to reply at all effectively to the criticisms he may have given the House. No doubt those in the immediate vicinity of that cheerful conversation may have gathered more than I did of its exact purport. I merely, for my own part, gathered that he wished to be saved from his friends (which is a little ungrateful in view of the prompting he has received from them) and reproved Government for giving way to the extravagant course of paying the same officers more money for doing the same work. I have tried to point out to the House, Sir, that that is not the case. The proposed Department is in great part a new Department.

As for Mr. Chaudhuri's objection that the concession to Bengal was rapidly becoming worthless owing to the increase in the cost of establishment, I would point out, Sir, that we have made no attempt to force this establishment, or any part of the cost of this establishment, on the Bengal Government;



[ Mr. W. M. Hailey. ]

if the Bengal Government does not agree to an increased establishment, there will be no increased establishment in Bengal.

But, Sir, the Honourable Mover of this Resolution had a really more important point. Taking the figures on page 16, he pointed out what appeared to be a very great increase in cost as between the revised estimates of 1920-21 and the budget estimates of 1921-22. I wish to explain to the House that the figures of 1920-21 and 1921-22 both refer to the Imperial share ; but in 1920-21, this was one-half, and it is now three-quarters. That is a partial explanation at all events of the great increase that appears to have been made between the revised estimates of the existing year and the budget estimate of the year to come.

**Rao Bahadur T. Rangachariar :** Do I understand that we must multiply the second part by two ?

**The Honourable Mr. W. M. Hailey :** Yes, Sir ; he may take it that the total cost of the establishment in 1920-21 was 22 lakhs approximately.

Well, Sir, I do not think it is necessary for me to re-argue the whole case. Either we are justified in proposing what is practically a new income-tax special establishment in order both to equalise assessments and to bring in more money, or not. We have framed our estimate of revenue for the coming year on the understanding that we shall have such an establishment and shall benefit by its labours. Unless the House is willing that we shall employ such an establishment, it will be necessary for us, I am afraid, to reduce our estimates of the approximate revenue that is to come to us in the coming year.

We have deliberately, even at a time of difficulty like this, we have deliberately proposed this increase of establishment for two  
4 P.M. reasons ; firstly, in order that we may give full justice to the assessee in view of the fact that our maximum assessment, if it is accepted by the House, will now go up and secondly, in order to improve our collections. I believe that by employing the extra staff we shall earn enough to pay for it several times over.

**The Honourable the President :** The question is,

‘ That the demand under head ‘ Taxes on Income ’ (No. 2) be reduced by Rs. 8,03,050.’

The motion was negatived.

LUMP PROVISION OF RS. 3,88,000.

**Mr. B. Venkatapatiraju :** I move,

‘ That lump provision\* of 3,88,000 be reduced by one lakh ’.

If the lump provisions have to be placed before the Finance Committee, emergencies excepted, I propose to withdraw my motion.

**The Honourable Mr. W. M. Hailey :** Sir, you will perhaps allow me to say that I have already given a guarantee to my friends opposite that the proviso will apply to all lump estimates. I do not know, Sir, if you wish that I should formally move that proviso to the motion.

**Sir P. S. Sivaswamy Aiyer :** I think it is quite sufficient for us, Sir, to have the assurance of the Honourable Member ; it is not necessary that the formula should be formally repeated.

The motion was, by leave of the Assembly, withdrawn.

**The Honourable the President :** The question is,

‘ That a sum not exceeding Rs. 28,38,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1922 in respect of Demand No. 2, Taxes on Income ’.

The motion was adopted.

**The Honourable Sir Thomas Holland :** Mr. President, I beg to move

‘ That a sum not exceeding Rs. 1,17,95,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 for the provision of Salt ’.

**Mr. B. Venkatapatiraju :** Sir, in view of the assurance given that the concession will be applicable to all these lump provisions, I do not propose to move the motion, which appears in the List of Business.

**Mr. E. L. Price :** Sir, may we be made aware of what is happening? Nobody ever here knows.

**The Honourable the President :** Order, order. I am just deciding what is happening.

#### IMPROVEMENT OF SALT SOURCES.

**Sir P. S. Sivaswamy Aiyer :** Sir, I do not think it necessary to move the Resolution which appears against my name

‘ That the lump provision of Rs. 7,00,000 for improvement of salt sources be omitted ’.

I think it is covered by the understanding we have arrived at this morning that all these lump provisions will be subject to the scrutiny of the Finance Committee and will not be drawn upon without their concurrence except in emergent cases. I do not, therefore, propose to move it.

**Mr. B. Venkatapatiraju :** Sir, on page 28 of the estimates we find provision for 963 Assistant Inspectors and Sub-Inspectors has been made at a cost of Rs. 10,87,680. I beg to move

‘ That that sum should be reduced by one lakh of rupees ’.

My reason is this that though in previous years there were 3 more persons or 966 in all, the expenditure in 1919-20 was only Rs. 6,60,000 and the budget estimate was only Rs. 7,13,880 last year while the revised figures are only Rs. 6,72,000. I find that now after reducing the number by three, there is an increase of about 4 lakhs, or of nearly 60 per cent. I do not think that such an abnormal increase is necessary for these officers, and, therefore, I suggest it may be reduced by one lakh.

**The Honourable Sir Thomas Holland :** Sir, I am very sorry indeed that Sir Sivaswamy Aiyer and the other section of the Madras company on that side of the House have decided to drop all the Resolutions, because any one of them we could have defended in detail before the House without any further reference to the committee, if necessary, except this. This is an item that is not a lump provision, but it is a very complicated issue that is before us. It is a proposal that has originated in Madras and I have no doubt that the Honourable Mover has a great deal of inside information with regard to the conditions there. The real reason why we cannot at this short notice give a complete and detailed analysis of the figures to the House is due to the fact that in Madras the excise and the salt establishments are to some extent mixed together. We are now making a special examination of the establishment with a view of separating one from the other. For the time being this

[Sir Thomas Holland.]

estimate has been sent in by the Madras Government, and we have to act on it in order that the establishment may carry on. As Mr. Innes told you on several occasions this morning, it does not in any way mean that the details will be necessarily sanctioned. Now, one of the questions which will arise when we begin to separate the excise, which is as you know a transferred provincial subject, from salt which is under the general control of the Government of India—the Madras Government acting as the Government of India's agent—one of the difficulties which will arise will be the charge that might conceivably be made on behalf of the Madras Government for what I think my friend, Mr. Rangachariar, called this morning, that expensive Board of Revenue. The Madras Government will want us to bear a portion of the cost of the general supervision by taking over the expense of one Member, or at any rate the equivalent of one Member of the Board of Revenue. It is, therefore, not possible at this stage to give to this House a definite detailed assurance that all these officers are necessary, and that their scale of pay is necessary, we have to take it for granted from the Madras Government. You will notice that the item deals with a very large number, 966, of subordinate officers, Assistant Inspectors and Sub-Inspectors, ranging in pay from Rs. 60 to Rs. 200 a month. The chances are that these men are not over-paid. I know something of the other parts of the Salt Department, and I am quite willing to defend any proposals that we have made for a revision of the terms of service. There is a great deal of responsibility in the hands of these subordinate officers, a great many temptations are put in their way, and it is our duty to be quite sure that they are contented approximately with their lot, and that they can carry on their work without considering that they have any special personal grievance against the Government.

Apart from that, there is, as I said before, the danger of such a large body of compact men taking to themselves the recognised methods of forcing our hands. If the House will allow of the examination of this item, either departmentally or by the Finance Committee, I myself shall be very glad indeed to have it thoroughly sifted in that way. As I said, we got notice of this only this morning. A part of the charge has to be examined in the Commerce Department in connection with excise; and a part of the charge in my own Department in connection with salt. It has not been possible in the few minutes that we have been allowed to be absent from the Assembly, to find out in detail exactly how each constituent item of the total can be substantiated. I have not the slightest hesitation in offering that the proposals should be examined by the Finance Committee if that will satisfy the Honourable Member.

**Mr. B. Venkatapatiraju:** That will satisfy me and I wish to withdraw my motion.

**The Honourable the President:** The question is, that leave be given to withdraw the motion.

The motion was, by leave of the Assembly, withdrawn.

#### REDUCTION OF THE DEMAND UNDER HEAD 'SALT'.

**Rao Bahadur T. Rangachariar:** Sir, my motion is

'That the demand under head Salt (No. 3) be reduced by Rs. 25 lakhs'.

My object in giving notice of that motion was to draw attention to the following items, some of which have already been dealt with:

At page 26, the lump sum provision of Rs. 7,00,000 for the improvement of the salt source at Sambhar.

I am glad Sir Thomas Holland explained this thoroughly to our satisfaction this morning. It is a very productive investment and I am thankful to accept it.

At page 25, the lump sum provision of Rs. 2,00,000 for revision of establishment.

At page 28, the provision of Rs. 5,07,050 for travelling allowance.

This seems to be a very large amount for travelling allowance.

At page 29, the provision of Rs. 71,800 for 'other contingencies'.

This seems to be a very large sum for contingencies.

At page 33, the provision of Rs. 7,00,000 for revision of establishment.

At page 33, the provision of Rs. 3,00,000 for local allowance.

This seems to be too big an item without any details.

At page 34, we have got provision for the North West Frontier which is costing us a great deal.

At page 36, the provision of Rs. 13,000 for office expenses and miscellaneous.

I cannot follow what these items are and I shall be grateful for some explanation.

**The Honourable Mr. W. M. Hailey :** Purely on a point of arithmetic, Sir, may I point out that these items do not amount to Rs. 25,00,000. The Honourable Member must give us some further cuttings if he wishes to bring the figures up to the full total of Rs. 25,00,000.

**Rao Bahadur T. Rangachariar :** I will be satisfied with an explanation on these points. The other amounts are in thousands and I do not care about them.

**The Honourable Sir Thomas Holland :** May I take it, Sir, that the Honourable Member, in criticising these items, wishes to have them cut out entirely even if they do not amount to the Rs. 25,00,000 mentioned in his motion.

**Rao Bahadur T. Rangachariar :** If no satisfactory explanation is forthcoming, I would have them cut out.

**The Honourable the President :** If the Honourable Member wishes to cut out any items, he ought to put down a motion on the paper to that effect. It is very hard on the Government, and it is very difficult for individual Members of the Assembly, to follow the process of his argument unless he divides it up, as other Members have done, and moves each one separately. The question he has put to Sir Thomas Holland raises quite a different point and he may put in the form of a general criticism. But when he wishes to raise points as specific as those which he has made, he ought to put them down as motions for reduction of the particular items to which he refers.

**Rao Bahadur T. Rangachariar :** May I explain, Sir, that I refer to them as instances requiring examination showing that this increased grant demanded under this head has not been explained. I only refer to them as

[ Rao Bahadur T. Rangachariar. ]

instances in support of my position that there is no need to increase the estimate from Rs. 1,56,00,000 this year to Rs. 1,58,00,000 next year.

**The Honourable the President:** The Honourable Member is perfectly entitled to do that, if he wishes to make a general criticism that the administration of the salt revenue is extravagant. But he is not entitled to expect the Government to be prepared with a detailed reply to criticisms on specific points unless he gives notice beforehand.

**The Honourable Sir Thomas Holland:** I am quite willing to meet the Honourable Member in this way. It is quite impossible for the House, obviously, to accept his illustrations, because, if you took the question of Rs. 5,70,000 say for travelling allowance and you wanted to save your Rs. 25,00,000 by using that as one of the constituent items, then all officers must stop travelling at once. There will be no inspection work done by inspectors.

If we are going to deal with the Budget in a business-like manner, we must try to introduce some form of criticism that would prevent Government—and when I say Government, I mean Local Governments too—from indulging in extravagances. I quite agree with the object of the Honourable Member, and I welcome his co-operation in helping us to check what we sometimes look upon as a slight tendency towards generosity on the part of Local Governments.

We sometimes get sent notices for the sanction of demands by Local Governments without sufficient detail to enable us to judge of the merits of the proposals and we return them when we are not satisfied, for further explanation, and one result is that we become extremely unpopular with Local Governments—I should like that unpopularity to be shared by this House. There is not the slightest doubt that we would not hesitate for a moment to allow these items to be checked by the House, as a whole, and for that matter, by any Committee. We do want the help of the House, especially in regard to checking those items that come from the provinces. It is those particular items that we are not, as Members of the Government of India, in a position to check from personal observations.

As to the points that have been raised in connection with the Northern India Salt Department—the Department which is under my administrative control—I have not the slightest hesitation on any short notice in taking up the items that the Honourable Member would like to have investigated. We, who are in touch with the progress of that Department from day to day, and thus know the reasons for each proposal that is made in the Budget. But with regard to the Provinces, we want longer notice for a question of this sort and we expect the House to meet us also in a reasonable way and not to expect detailed answers to criticisms of proposals sent up to us by the Local Governments—criticisms of questions of which we ourselves are only provided with abstract information.

Now I will take one or two of these and I hope to occupy the time of the House only a very short while. Take for instance the first one mentioned by my Honourable friend as to the provision for the revision of establishment. Well, that establishment consists mainly of the Preventive establishment of the Northern India Salt Revenue Department, a part of which is estimated to cost in extra remuneration for inspectors the sum of Rs. 61,500; the other

part will be devoted towards the improvement of the pay of the inferior establishment, namely, the sum of Rs. 1,38,600, making a total of Rs. 2,00,200.

We are told by the Commissioner of the Department that several of the officers have already left or are leaving the Department because they are not satisfied with the pay they are receiving, and it is said that others will leave soon. But apart from that we are suffering most distinctly and noticeably—in the class of officers we are able to recruit for the salaries now offered. It does not pay the Government any more that it pays business firms to employ an officer who cannot earn his salary and we are driven now, because of the low standard of pay, to accept recruits who are not quite up to the standard to which we have been accustomed in the Department.

Now I will deal with the second point which I referred to this morning and it is a much more interesting one and I know the Honourable Member does not dispute it because what he is out for is to restrain the increase of establishments. That is all very fine as far as it goes, and he may make as many speeches as he likes in this House, but he will never become so effective as my Honourable friend, Mr. Hailey, has been in the last two or three weeks, or so disagreeable to the rest of us. Take the case of the question of the improvement of the Salt source at Sambhar. I mentioned very briefly this morning the real reasons why this was put in the form of a lump provision and why it was we were forced to accept an estimate of only 7 lakhs. If we are going to reform Sambhar, we shall want 23 lakhs straight off and we shall want something like 15 or more lakhs to reform the Salt source in the Punjab. We got the whole of our Budget knocked down, as I said, to 7 lakhs and thus we were driven to reconsider our position. Well, our position is this. If we do not reform Sambhar this year, we are going to lose the next monsoon and we are going to have a shortage of salt. So far as the Punjab mines are concerned, we can go on as we are going on now and as we have gone on since the days of Akhbar. The lake is undergoing serious degeneration. The degeneration is real without any question, but it is sufficiently slow to enable me, if I wish, to shunt my responsibility, and leave my successor to pay the bill. The annual output in the case of Sambhar is something like 55 lakhs of maunds of salt. Now it is extremely variable and here comes in one reason why we want to reform our methods. One year—in the year 1918-1919—we had as much as 111 lakhs of maunds of salt. Sambhar is dependent on the monsoon, and the monsoon in Rajputana is by no means as regular as the average monsoon of India as a whole. In some years the lake at the end of the monsoon fills and covers an area of 60, 70, or 80 square miles. Then the drying process sets in at the end of the rainy season and small pans are constructed round the edge of the lake. The brine thus formed in the latter is drawn off into the concentrating pans and at the end of the manufacturing season the salt is gathered together in heaps and finally assembled in central stations for storage and disposal.

Now I have told you this long story because it gives you at a glance what it means to us when in one year we get 111 lakhs of maunds of salt and in another year we do not get more than 20. It means that this year for instance, which is the end of a bad monsoon, we are going to lose our labour because we cannot afford to keep our labour doing nothing. The lake is already dry. Our manufacturing season is over. February, March, April,

[Sir Thomas Holland.]

May and even June will be wasted and we have got to wait until the end of the monsoon and trust to a good monsoon before we can employ labour again.

Now what does it mean: It means that we lose our labour and we have got to collect it again before the end of the monsoon. If the monsoon is a good one, labour is not so easily attracted, and if the monsoon is a bad one, we have to discharge what little labour we use. That is the kind of thing we have been driven to, simply because the old salt officers who have had little or no technical training have looked upon Sambhar as a 'gift of Heaven' and that nothing should interfere with the course of nature.

For many years we have been studying these questions. At any rate I have studied it myself with a great deal of interest because it happened to come into a question of research in the old days when I lived a happy life in science.

And the result of the scientific work in those days now become the basis on which we are building schemes for reform of manufacturing systems there. In 1919, when I was acting for Sir George Barnes in the Commerce Department, I managed to get the services of Captain Bunting, a distinguished Irrigation officer, from the United Provinces. Captain Bunting went to Sambhar lake, and thereafter making a more full survey of the lake, and after a rapid survey of the situation, he went to England on leave and there he met me on my second retirement. Both of us took up the question, consulted as many experts as we could at Home, and visited the different places where we could get information with regard to the schemes which we had in hand for reforming the work of the lake. We propose to put up a bund across the narrow part of the lake where there is deep water, but laterally a series of constrictions. That will be the cheapest way of connecting the north with the south.

**Rao Bahadur T. Rangachariar:** I did not want an explanation of that.

**The Honourable Sir Thomas Holland:** May I remind the Honourable Member that he is not the only Member of this House? This is one of the items that have been challenged, and I take it for granted that the other Members are desirous of knowing what they can about this subject. Sir, it is not time thrown away to consider this question of the arrangements, because it tells you why it is we have got to deal with a lump provision. When the monsoon fills the lake, we arrange to pump the water from the main body of the lake over this narrow bund into an eastern constriction, and there we shall be able to maintain a body of brine throughout the year. There we shall continue our manufacture right up to the beginning of the next following monsoon. We shall be able in that way to retain our labour. And here comes the expenditure division of our Budget. There are two ways of handling our salt. One is by manual labour, as we are driven to now. The other is by the introduction of mechanical methods of assembling. Give me money, and I will introduce mechanical methods of assembling, and thereby in the long run save the great labour Bill. But that money is not available. The only money that is available now is money enough to construct the bund before the next monsoon. Otherwise, as I have said before, we are going to have at the end of the year a great difficulty in the manufacture of salt and a serious shortage. Now, I am entering into this general question

because my Honourable friend has raised this attack. This proposal to reduce the Budget of the Department by 25 lakhs is a general criticism of the Department as a whole. I quite agree with him that the information before the House is insufficient for this House to judge of the merits of many of the details entered into the Budget. I will go a step further and say that the information before me so far is insufficient for me to judge or in any way to give information to satisfy the House with regard to many of these items. On longer notice it is quite likely that we shall be able to obtain fuller details from the Local Governments. But we have got to remember that salt must be made, and this is an extremely delicate year for the community. As I have said before, one of our principal sources of salt has been endangered through the failure of the last monsoon. We are now making a very desperate effort to put on to the markets sufficient salt to prevent local profiteering. If you look up the prices of salt during the last few years, you will find that there is no comparison between the price of salt issued and the retail prices. Before the war we had normal ratios between the salt at the sources and salt in the market. But the ratio has recently quite changed, and one of the reasons why this change has occurred has been a local shortage of salt in the market, and the tendency on the part of merchants to undertake the game of profiteering. The only way to cure that complaint for the benefit of the poor ryot is to ensure that the market will be swamped with sufficient salt, and, as I said, we are now going through a period of great anxiety, first because of the partial failure of Sambhar and secondly because of the establishment charges that have been hitherto in force and have not been considered to be sufficient to satisfy the men, having given rise for instance to a strike of the miners at Khewra in the Salt Range. The miners are now on strike, and if we had not by chance imported a Mining Engineer with abundance of new energy and new ideas, who was able to turn into account the small amount of machinery that he could scrape together, our salt situation in North India would now begin to manifest itself in a very serious rise in prices. As it is, the Mining Engineer who has arrived has considerably helped the situation, and is now turning out salt which will satisfy for the time being the immediate demands of the northern market. But I want the Members also to remember that this is not a review of account. We are not reviewing the accounts of the past year. We are passing a Budget which is merely what we estimate to be the money that we may want and there is no tendency on the part of the Government to spend the money merely because it has been estimated for. The Finance Department still exercises the severest control over the other administrative Departments with regard to the detailed Budgets, and afterwards with regard to their detailed expenditure. We have in all cases of this sort, at the end of the war, and in consequence of the rapid changes in the work both with regard to the number of personnel and the nature of officers employed, and the changes which have occurred in the matter of salaries, we have naturally, during the last year, had to go through a very difficult process of revising and reviewing our establishment all through India. The result has been that we have in this Budget a larger number of so-called lump provisions or provisional budgets than we should otherwise have had. We hope next year that these will be reviewed in advance by the Finance Committee. But, meanwhile, we have to carry on, and I hope that the House will have confidence in the Government sufficiently, for the time being at any rate, to allow us to carry on and not to cut off the 25 lakhs which the Honourable Member proposes, merely because he is not quite satisfied—



[Sir Thomas Holland.]

and I do agree that I am not satisfied either -- with the information at present before us. But if the House and if the Honourable Member will accept my assurance that he can come and see the details himself personally in our office, or if he wishes in accordance with Mr. Hailey's general promise, to put them before the Finance Committee, I should be very glad indeed to give every facility to see that these items are thoroughly checked. The items about which there is some doubt, or rather about which we have insufficient information, are the items sent to us by the Local Governments and we would only welcome the assistance of this House in checking their value.

**Rao Bahadur T. Rangachariar :** I am glad, Sir, that the Honourable Sir Thomas Holland has given a full explanation as to the improvement of the salt lake at Sambhar. The fact is that when I gave notice of these motions to this Department, he was good enough to go over to me yesterday and I showed him what my difficulties were and also showed him these very items which he has referred to. So that, so far as Sir Thomas Holland is concerned, he has no reason to complain that he did not know what items I was going to attack. He says that the points on which I wanted an explanation are all except a few matters within the knowledge of Local Governments and unfortunately the Government of India are not placed in possession of the information necessary to give details for such large items. I realise, and I daresay that the Honourable Sir Thomas Holland realises, that this is not an occasion for reviewing the administration of his Department. That was far from being my view. On the other hand, I am here performing a duty by scrutinising the Budget presented to us for sanction and in scrutinising the Budget I came across figures for which no explanation has been given either in the memorandum accompanying the Budget or in the Budget itself, and I say that if this explanation had been given in a footnote as regards the Sambhar Lake the question would not have arisen. If similar explanations had been given in regard to the other items, the question would not have arisen and so, in view of the understanding we arrived at this morning, it is unnecessary for me to pursue the subject further as regards this lump provision. They appear to me unsatisfactory. They appear to the Honourable Member also unsatisfactory and I daresay, therefore, there will be no more occasion to go into that question again. Now that I have drawn attention to these matters of the local allowance and other contingencies and other matters that require attention, and in view of the statement made by the Honourable Member about placing these items before the Finance Committee, I do not press my amendment.

**The Honourable the President :** The question is, whether leave be given to withdraw the motion\* for reduction of the demand under head Salt (No. 3).

The motion was, by leave of the Assembly, withdrawn.

**The Honourable the President :** The question is,

‘That a sum not exceeding Rs. 1,17,95,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922, in respect of Demand No. 3 Head of Account, Salt’.

The motion was adopted.

The Assembly then adjourned till Thursday, the 10th March 1921.

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\* *Vide* page 836 of these Debates.

## LEGISLATIVE ASSEMBLY.

*Thursday, 10th March, 1921.*

The Assembly met in the Assembly Chamber at Eleven of the Clock. The Honourable the President was in the Chair.

### QUESTIONS AND ANSWERS.

#### CULVERTS AND WATERWAYS ON THE BENGAL AND NORTH-WESTERN RAILWAY.

419. **Rai Bahadur L. P. Sinha:** (a) Are the Government aware that the inadequate provision of culverts and waterways on the Bengal and North-Western Railway line from Barauni Junction to Katihar Junction causes a great deal of distress to the people of the locality during the floods every year?

(b) Are the Government further aware that the few culverts which exist on the line are also closed by the Railway authorities at the beginning of the monsoon every year with the result that considerable damage is annually caused to the fields and properties of the residents of the localities south of the railway line?

(c) Do the Government know that in a suit brought by Babu Satish Chandra Basu, a leader of Beguserai against the Bengal and North-Western Railway Company in 1919, it was held by the Courts that the action of the Railway Company in closing the culverts was illegal?

(d) Did the Railway Company in view of the findings of the Courts keep the culverts on the line open during the monsoon of 1920? If not, why not?

(e) Do the Government propose to consider the desirability of impressing upon the railway authorities the extreme necessity of providing a sufficient number of culverts and waterways on the line and of keeping them open throughout the year?

**Colonel W. D. Waghorn:** (a) Judged by ordinary conditions this section of the line is not provided with waterways to the extent that would be normally considered necessary and Government are aware of the fact.

This, however, is in accordance with the decision arrived at on 5th December 1898 by a Committee representing the several interests concerned, which met to consider the question at Bhagalpur.

The existence of the Railway bank does not make a very material difference to the country south of the line during the Ganges floods (except in raising to some extent the level of what would in any case be a high flood). On the other hand, the bank saves the places to the north of the line and on the whole, the local inhabitants stand to gain more than they lose by the existence of the bank.

(b) The culverts were never intended to be flood openings, but to deal with impounded water from local rainfall. These culverts, even running full the whole time, would make no noticeable difference in the flood.

(c) The answer is in the affirmative. The points held to be established in that case by the sub-judge, were :

(1) that the land sloped towards the north and could drain only in that direction ;

(2) that there was on this occasion no danger to the railway bank.

(3) that the Railway could close the culverts in case of danger, etc.

(d) Government have no information on the point, but if the safety of the line was involved, the probability is that they did close the culverts.

(e) In the light of the facts already stated, the provision of extra culverts would have a prejudicial effect on the country to the north of the line during the Ganges floods, while the amount of relief to be secured in the flooded area would be negligible and of no real utility.

#### HIGHER GRADE POSTS IN THE RAILWAY, POSTAL AND TELEGRAPH DEPARTMENTS.

420. **Rai Bahadur L. P. Sinha :** (a) Will the Government be pleased to state :

(1) The number of posts in the higher grade of services in the Railway, Postal and Telegraph Departments, and

(2) the number of such posts held by Indians and non-Indians, respectively, according to nationality ?

(b) Will the Government be further pleased to state how many natives of Bihar and Orissa have been offered such posts in the superior grade during the last three years ?

**Mr. C. A. Innes :** (a) (1) Railway 469, Post Office 256, Telegraph Department 120.

(2) Held by Indians 228

Held by Non-Indians 611

Vacant 6

(b) Three natives of Bihar and Orissa have been appointed to posts in the higher grades of the Post and Telegraph Department during the last three years. I am unable to say how many persons have been offered such posts. In the Railway Department no record is kept of the province from which appointments are made.

#### BHAGALPUR-BAUSI BRANCH LINE.

421. **Rai Bahadur L. P. Sinha :** (a) When was Bhagalpur-Bausi Branch line of the East Indian Railway dismantled, and why ?

(b) Has it been decided to restore the line for the convenience of the general public ?

If so, when is it likely to be restored and in working order ?

If not, why not ?

**Colonel W. D. Waghorn :** (a) The Bhagalpur-Bausi Branch of the East Indian Railway was dismantled in October to December 1917 for purposes connected with the prosecution of the war.

(b) The reply to the first part of (b) is in the affirmative. With regard to the second and third parts I may explain for information that the line will be restored as soon as requisite permanent-way material becomes available. No specific date can however be given at present.

#### LOSS TO THE PAPER CURRENCY RESERVE.

422. **Mr. B. Venkatapatiraju:** Will the Government be pleased to state :

(a) the actual loss in rupees to the Paper Currency Reserve, caused by the transfer of a portion of the Reserve to London through Council Drafts and its retransfer to India through Reverse Councils ?

(b) Whether it amounts to 35 crores or thereabouts ?

**The Honourable Mr. W. M. Hailey:** The number of rupees received for the Reverse Councils sold during 1919 and 1920 amounted to about 49½ crores, while the number of rupees paid in the immediately preceding years for a corresponding amount of Council Bills amounted to 70½ crores. The difference of 21 crores may be taken as representing the loss caused by the transfer of funds to London through Council drafts and their retransfer to India through Reverse Councils ; it should be explained that the bulk of the sales of Councils during this period were at a much higher rate than 1s. 4d. These transfers of funds were not entirely effected through the Paper Currency Reserve. Also no portion of the loss fell on the Paper Currency Reserve, but it has been made good entirely from Treasury balances either in cash or by the issue of Indian treasury bills which will be paid off gradually.

2. The sum of Rs. 35 crores mentioned by the Honourable Member represents approximately the difference between the rupee value at which the British Government's securities in the Paper Currency Reserve which were sold in order to meet reverse bills on London were held in the Reserve and the rupee proceeds of the reverse bills.

It is necessary however to mention two points with reference to this figure of 35 crores. In the first place, out of this total Rs. 23 crores represent the deficiency in the rupee value of the sterling securities owing to their revaluation on the basis of £1 = Rs. 10 ; this loss was not due to the sale of reverse bills and would have occurred whether these bills were sold or not, the only difference which the sale of the bills made being that the loss occurred earlier as the bills were sold instead of in lump when the securities were revalued on the 1st October 1920. The second point is, that if the reverse bills had not been sold, exchange would have stood at a much lower level than it actually did during the period of the sales, and the loss on our other remittance transactions would have been greater than it actually was. Some portion of the balance of the loss which I have mentioned above, viz., 12 crores, would thus have occurred even if we had altogether abstained from the sale of reverse bills.

#### BRANCHES OF THE ARMY DEPARTMENT.

423. **Mr. A. B. Latthe:** (a) Has the attention of the Government been drawn to the allegations about 'widespread, well-known corruption and inefficiency that have come to characterise all branches of the Army Department' contained in the *Bombay Chronicle* of 24th February 1921 ?

(b) Do the Government propose to hold an inquiry, through a Committee likely to command public confidence, into these allegations and call upon the public including the editor of the said *Bombay Chronicle* to submit any evidence that may be available?

**Sir Godfrey Fell:** (a) Government have seen the article in question which appeared, however, in the *Bombay Chronicle* of the 23rd February and not in that of the 24th February as stated in the question.

(b) The answer is in the negative.

#### SURPLUS AND CONDEMNED MILITARY STORES.

424. **Mr. A. B. Latthe:** (a) Will the Government state (1) the total price of surplus military stores, and (2) the total price of the condemned military stores that have been sold by auction or otherwise since the close of the war? What is the total loss that the Government has suffered as a result of these sales?

(b) Will the Government be pleased to state the total price of (a) condemned, and (b) surplus stores which are still to be sold by the Military Department?

**Sir Godfrey Fell:** I would invite the Honourable Member's attention to the reply given by the Honourable Mr. Hailey to a somewhat similar question in the Legislative Council on the 16th September 1920. The surplus military stores that have been disposed of since the end of the war are almost entirely the property of His Majesty's Government, so that the debits on purchase and credits on sales are matters affecting the finances of His Majesty's Government. The loss, if any, does not fall on the Government of India. There is a Disposals Commissioner in India who has been sent out on behalf of the Home Government, and who will be ready to give the Honourable Member further information on the subject if he so desires.

#### POLITICAL SECTION OF THE HOME DEPARTMENT.

425. **Sir P. S. Sivaswamy Aiyer:** (a) How long ago was the Political Section of the Home Department created?

(b) Has any Indian member of the Home Department office establishment been ever attached to this section? If so, how many were so attached since the creation of the Department and for what periods?

(c) Is secret and confidential work done in other sections of the Home Department, besides Political?

(d) Is it a fact that files of the Political Section of the Home Department when referred to other Departments of the Government of India or to the Office of the Director, Intelligence Bureau, are dealt with by the Indian members of those Departments without any objection?

(e) If the answers to (c) and (d) are in the affirmative, do the Government propose to throw open the Political Section of the Home Department also to the Indian Superintendents, Assistants and Clerks of the Department?

**Mr. S. P. O'Donnell:** (a) The Political Section of the Home Department was created in 1907.

(b) It has not been the practice to put Indians in the Political Section but Indians have been employed as stenographers on secret and confidential work.

(c) Yes.

(d) Yes.

(e) It is not proposed to reserve the section for Europeans and Anglo-Indians. At the same time there are a large number of Indians in the Department and their distribution among the several sections of the office is a matter which must naturally rest with the Head of the Department responsible for its efficiency.

#### REVISION OF PAY OF THE IMPERIAL SECRETARIAT ESTABLISHMENTS.

426. **Sir P. S. Sivaswamy Aiyer:** (a) Is it a fact that the recent revision of pay of the Imperial Secretariat establishment has not equally benefited all persons holding similar or corresponding positions in the different departments and possessing similar qualifications?

(b) Is it a fact that promotions in some Departments of the Secretariat office establishment have been liberal and in others much less so owing to different Departments interpreting the orders in different ways?

(c) If the reply to (b) is in the affirmative, do the Government propose to equalise promotions in the different Departments?

**Mr. S. P. O'Donnell:** (a) There are always difficulties in applying general principles to individual cases, and the difficulties were particularly great in the matter of reckoning previous temporary or officiating service. To meet this difficulty Secretaries in each Department were given discretion to allow broken periods of service to count for increments provided the service rendered was consistently satisfactory.

(b) The discretion permitted to Secretaries may have had this result in certain cases, and it has been stated in a memorial received that some Departments have interpreted the rules more liberally than others.

(c) This memorial is being examined and the question of applying these principles in the same way to all those similarly affected is under consideration.

#### MEMORIAL OF ASSISTANTS AND CLERKS.

427. **Sir P. S. Sivaswamy Aiyer:** Is it a fact that the Assistants and Clerks in the Secretariat memorialised the Government a second time about their pay about six months ago and that no orders have yet been passed on their representations?

**Mr. S. P. O'Donnell:** Three memorials have been received from the assistants and clerks in the Secretariat, the last one in August 1920. No orders have as yet been passed, but they are now under consideration.

#### INSPECTOR OF OFFICE PROCEDURE.

428. **Sir P. S. Sivaswamy Aiyer:** What are the functions of the Inspector of Office Procedure? When was the appointment created and how many departments of the Secretariat have received the benefit of his inspection and with what result?

**Mr. S. P. O'Donnell:** The attention of the Honourable Member is invited to parts (a) and (f) of the answer given to Babu Khitish Chandra Neogy's question No. 316 at the meeting of the Legislative Assembly on the 1st March 1921.

The appointment of Inspector of Office Procedure was created on 1st June 1920.

#### GORTON CASTLE AND PHAGLI QUARTERS.

429. **Sir P. S. Sivaswamy Aiyer:** (a) Is it a fact that Gorton Castle in Simla is situated on a stiff height from the Indian clerks quarters at Phagli and are Government aware that clerks living in those quarters find it a hardship to ascend the height after their meals in the morning?

(b) If the answer to (a) is in the affirmative, do Government propose to grant a conveyance allowance to clerks living in those quarters and direct the building of further quarters in more suitable places?

**Colonel Sir S. D'A. Crookshank:** (a) Government are aware that there is a stiff climb from the clerks' quarters at Phagli up to Gorton Castle in Simla. Phagli was chosen after much deliberation as being the most suitable area on which to build clerks' quarters, and any inconvenience that may be felt must be set down to the natural configuration of the country.

(b) The Government of India do not consider that the hardship involved by the climb is sufficient to justify the grant of a conveyance allowance, nor do they at present contemplate building quarters elsewhere for Indian clerks.

#### FORTHCOMING CENSUS.

430. **Mr. Syed Hadi:** (a) Is it a fact that no sub-sect of any religion other than the Christian religion is to be recorded in the forthcoming Census? If so, why?

(b) Do Government propose to issue orders to the Census authorities to record every sub-sect of all religions against the name of every individual?

**Mr. H. Sharp:** (a) It is not the case that sub-sects of religions other than the Christian are not to be recorded. But it is left open to the Local Governments, as stated in paragraph 4 of the Resolution of the Government of India of the 14th June 1920, to have a record made of such sub-sects, and this information is being collected in certain provinces. The reason why the record of such sub-sects is not obligatory is as follows. An experiment in this direction, tried in 1901 on a considerable scale, proved a failure. It was found that the entries recorded were vague, inaccurate and incomplete and the results therefore were of little statistical or practical value. The Honourable Member is further referred to paragraph 153 of Sir E. Gait's Report of the last Census for a full discussion of the value of a record of sects. The provincial Governments are in the best position to decide whether there is any general desire for the record of any particular sect. The Government of India have no reason to believe that any such desire, where expressed, has been unsympathetically treated.

In the case of Christian denominations the matter is different. Practically every person in India professing Christianity belongs to or is associated with

some distinct branch of the Christian Church which is definitely distinguished from the other denominations by difference of organisation and rubric.

(b) In view of the conditions explained in (a), the Government of India do not consider it necessary to issue any further instructions in the matter. Further, it would not be possible to issue new orders at this late date, even if it were desirable to do so.

#### FORCED LABOUR.

431. **Mr. N. M. Joshi:** (a) Will Government be pleased to state whether 'forced labour' and 'impressment of carts and other conveyances' are permissible in India under any legislative enactments, central or provincial, or by any executive orders?

(b) If so, will Government be pleased to mention such enactments and place on the table copies of such executive orders?

(c) Do Government propose to take steps to discontinue this system? And if so, will they be pleased to state what they propose to do?

**Mr. J. Hullah:** (a) and (b). In certain enactments the requisitioning of labour in emergencies and in exceptional circumstances is provided for, and such provision is made in the following laws:

- (1) The Northern India Canal and Drainage Act, VIII of 1873.
- (2) The Bombay Irrigation Act, VII of 1879.
- (3) The Madras Compulsory Labour Act, I of 1858.
- (4) The Burma Canal Act, II of 1905.
- (5) The Burma Village Act, VI of 1907.
- (6) The Burma Embankment Act, IV of 1909.

This list is possibly not exhaustive, and the Government of India have not ascertained what executive orders exist in the provinces on the subject, since they consider that the matter is one in which the initiative for reform, if necessary, should be taken in the provinces. Most of the provisions on this subject in the Acts which I have mentioned relate to emergencies when there is danger from breaches of embankments or irrigation works, and they require that the labour shall be paid for at rates equal to or higher than the highest rates prevailing for similar work in the neighbourhood.

(c) So far as provinces which have Legislative Councils are concerned, the Government of India do not propose to take the initiative in effecting reforms or changes in the laws and orders regarding compulsory labour or the provision of supplies and conveyances. They, however, undertake to investigate the subject in so far as it concerns territories which have no Legislative Councils.

#### BREACH OF CONTRACT OF SERVICE.

432. **Mr. N. M. Joshi:** (a) Will Government be pleased to state under which legislative enactments, workmen artisans, and labourers are criminally punishable for any breach of contract of service?

(b) Will Government be pleased to state the number of cases filed, in different provinces, under these enactments, together with their results, during the last three years?



**Mr. S. P. O'Donnell:** (a) The special laws referred to by the Honourable Member are apparently :

- (1) the Workman's Breach of Contract Act, 1859 (XIII of 1859), as amended by Act XII of 1920 ;
- (2) Chapter XIX of the Indian Penal Code ;
- (3) the Assam Labour and Emigration Act, 1901 (VI of 1901) ; and
- (4) the Madras Planters Labour Act, 1903 (Madras Act I of 1903).

The relevant penal sections of the Assam Act, namely, sections 193 and 198, were withdrawn in 1915 by a Notification issued by the Local Administration under section 221 of the Act. Under the Workman's Breach of Contract Act also a labourer is not criminally punishable for a breach of contract of service but for failure to comply with an order of a Magistrate or for failure to enter into a recognisance or to furnish security, as required by a Magistrate. The Act also only applies in cases in which the workman has taken an advance of money.

(b). The information required by the Honourable Member will be obtained from the Local Governments and laid on the table, but it will take some time to collect.

#### PRESENT SYSTEM OF EDUCATION IN GOVERNMENT SCHOOLS.

433. **Mr. Mahmood S'Chamnad Sahib Bahadur:** (a) Is Government aware that the present system of education in Government schools is now largely condemned as quite undesirable, being devoid of religious training ?

(b) Do Government still hold that it is against their policy of religious neutrality to impart religious instruction in Government schools ?

(c) If not, do Government propose to have religious instruction imparted in all Government schools ?

(d) If Government do not interfere in this, education being a transferred subject, do Government propose to sanction a special Imperial grant-in-aid for this purpose ?

(e) If not, do they at least propose to inform Provincial Governments about their policy regarding religious instructions ?

**Mr. H. Sharp:** (a) The Government of India have observed certain complaints owing to the absence of religious training in certain classes of schools, but Government is certainly not aware that the present system of education in Government schools is largely condemned as quite undesirable.

(b) Religious instruction has already been allowed in Government or other publicly managed schools in certain parts of India under certain conditions. The Government of India are willing to see further relaxations in this direction but they think that certain conditions will still be necessary and, in special, that such instruction should not be made compulsory upon pupils other than those whose parents desire it.

(c) The matter is entirely one for consideration and action by Local Governments in their Ministries of Education.

(d) The Government of India are not in a position to sanction a special Imperial grant-in-aid for this purpose.

(e) The Government of India will address the Local Governments in the matter.

ACT XX OF 1859.

434. **Mr. Mahmood S'Chamnad Sahib Bahadur** : Will Government be pleased to say :

(a) Whether they propose to repeal or modify Act XX of 1859?

(b) If not, do they at least propose to refer this Act also to the Committee proposed to be formed to consider the advisability of repealing or modifying repressive Acts?

**Mr. S. P. O'Donnell** : (a) The Act referred to is one of purely local application.

(b) The question of its retention or repeal is therefore one which primarily concerns the Local Government, to whom a copy of the question and answer will be sent.

THE BUDGET—LIST OF DEMANDS—*contd.*

SECOND STAGE—*contd.*

*Expenditure from Revenue—contd.*

**The Honourable Mr. W. M. Hailey** : Sir, I beg to move :

‘That a sum not exceeding Rs. 1,50,73,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922, in respect of Opium.’

**The Honourable the President** : The question is :

‘That a sum not exceeding Rs. 1,50,73,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922, in respect of Opium.’

DISTRICT STAFF OF SUB-DEPUTY AGENTS AND ASSISTANT AGENTS.

**Mr. B. Venkatapatiraju** : Sir, I beg to move :

‘That provision of Rs. 5,31,300 for the District Staff of Sub-Deputy Agents and Assistant Agents be reduced by 1 lakh.’

At page 39, Sir, you will find that for Assistant Agents and Sub-Deputy Agents, the figure was raised from Rs. 3,40,000 to something like Rs. 5,31,000.

I think to increase the amount of last year by about Rs. 1,90,000 is rather too much and I, therefore, submit that it should be reduced.

**The Honourable Mr. W. M. Hailey** : Sir, my answer to this would be to request the Members of the Assembly to look at the column on the left-hand side to look at the pay we are giving to our Sub-Deputy and Assistant Agents and to judge for themselves whether in view of the present prices and of the responsible work which that agency has to do it is excessive or not. There has, I admit, been an increase in pay, but the question before the House is this : Is the present rate of pay an excessive rate of pay or not? This Department, Sir, earns us a considerable amount of money. If you take the figures that you find in the Budget, our total demand is for Rs. 1,50,73,000 *plus* about a lakh unvoted and our receipts are Rs. 3,72,85,000. That means a profit of Rs. 2,21,06,000 or 221 lakhs. I do not think the Assembly would desire to starve the establishment which earns that very handsome revenue.

**The Honourable the President :** The question is :

‘ That provision of Rs. 5,31,300 for the District Staff of Sub-Deputy Agents and Assistant Agents be reduced by 1 lakh.’

**Mr. P. P. Ginwala :** Sir, I am one of those who find a great deal of difficulty in dealing with this Budget. When the Budget is sent to us we are expected to know all about the various departments with which it deals. It may be that some Honourable Members are familiar with the working of all the departments of the Government of India but for myself I frankly confess, that unless a great deal more is given to us by way of information by any Honourable Member who moves for a demand, we are not in a position to take any intelligent interest at all in this mass of figures which is called the Budget. I will make my position clear if I can. The idea of a discussion on the Budget is that it first of all gives the Government an opportunity of taking from us such sums of money as the Government thinks it requires for its purposes, but if we are following the parliamentary procedure I think one of the objects of the Budget discussion is also to give the Government an opportunity on the one hand to tell us what its policy is in regard to any particular demand with which we are dealing at the time and to give the House an opportunity on the other of discussing and raising points of policy which are covered by the demand. Dealing with this question of opium, for instance, the Honourable Finance Member is of course willing to give us any information that we ask him for but how are we in a position to say, Sir, whether this sum needs to be spent or not? Speaking generally . . . .

**The Honourable the President :** Order, order. That is precisely the form of speech that is out of order. The Honourable Member may not speak generally. He must speak to the particular question raised by the motion.

**Mr. P. P. Ginwala :** Yes, Sir, I am referring to the amendment. Now, if we are going to vote on the demand at all we must know how that amendment if carried by the House is going to affect the opium revenue and the Government interests under the head of opium. I should have expected that the Honourable Finance Member would explain to us some of the items, in regard to the amendment that we are dealing with. For instance, he ought to be able to say that such and such a sum is required for such and such a purpose. If we are not given this information the result is that we are absolutely groping in the dark. Since yesterday we have not arrived at any concrete result. We asked for the deletion of certain figures and we were told that they could not be deleted or reduced because the Government had such and such a policy to work out. I am merely asking the Honourable Member to make our position easier by introducing his demand on a particular subject so that we can follow better what is intended. That was done in dealing with the question of salt yesterday and I am sure it was very much appreciated by the House. Now take, Sir, for instance here, on this opium question.

Opium compensation—page 40, for instance.

**The Honourable the President :** Order, order. That is an instance that the Honourable Member cannot discuss. I must ask him to address his remarks to the particular motion for reduction now before the House.

**Mr. P. P. Ginwala :** Very well, Sir. Take any item that you like. It is impossible for us to understand what these particular items refer to and I invite the Honourable Finance Member to explain to us at least some of the

items with which we are dealing before they are debated on, so that we may know which way to adopt.

**The Honourable Mr. W. M. Hailey:** Sir, have I the indulgence of this House while I deal with the question which has been put by the Honourable Member in regard to this particular item?

As the House no doubt knows, we have from the beginning of things strictly controlled the production of opium within British Indian territory; control meaning the prohibition of cultivation save under licence, and the requirement that all opium produced should be passed to Government at a fixed price. At one time we had direct control over a very large area indeed in the United Provinces and the upper part of Bengal. With the falling off in demand for export opium, owing to the change in our relations with China, we abandoned the production of opium in Bengal itself. That is to say, that whereas we had two agencies before, one in the United Provinces and one in Bengal, the work of such agencies being to give out licences for the cultivation of opium, and to receive that opium at a fixed price from the cultivator,—with the falling off of the demand we abandoned the agency in Bengal. We now confine our operations to the United Provinces. The opium we so receive we work up in our Ghazipur factory: it is then utilised for two purposes.

In the first place, we have our export supply. That, as the House knows—certainly those Members of the House who were interested in public affairs at a time when opium used to bulk so largely on our receipts side—that has now fallen off very largely indeed; the falling off may but be expressed by stating that there has been a decline of about 4 million pounds of revenue. But we are still supplying something like 1,200,000lbs. to the outside world. We supply none to China. About 3-4th of our total export goes to certain Governments like Hongkong, the Straits, Macao, the French Settlements, etc., who take a fixed quantity at fixed prices; the remainder is sold by auction for export under licence. That accounts, as I have said, for 1,200,000lbs. About an equal quantity goes for the supply to licensed vendors in India itself.

Now, as I have said, we have reduced very largely indeed the total cultivation of opium; I think that it is now something like 150,000 acres against a former maximum of 640,000 acres. In order to supplement the supply which we receive from the United Provinces, we buy a certain amount of opium from Malwa, that is to say, from the Native States of Central India, and this goes with the United Provinces opium to be worked up in the Ghazipur factory. Now the demand for expenditure under discussion relates to the district staff which controls our United Provinces cultivation. The staff is under the charge of the United Provinces, and is actually administered by the Board of Revenue in the United Provinces; it is that Government which has in the first instance fixed the pay of the subordinate staff. The upper staff, the sub-deputy agents and the like, are equally under their administrative control, but the pay has been fixed by us on the representation of the United Provinces.

The Honourable Member will see that the Assistant Agents, who control the supply in the United Provinces on the system I have already outlined to the House, are paid at practically the same rates as the Provincial Service; indeed our effort has been throughout to frame their rates of pay on those of the Provincial Service. The sub-deputy agents who are charged with the work of supervision, a somewhat more responsible task are paid from

[ Mr. W. M. Hailey. ]

Rs. 900 to Rs. 1,400, and it is because I think that men in charge of that responsible work are not overpaid at these rates, that I put it to the House that no reduction is feasible or reasonable. If the reduction of one lakh of rupees is made, I do not think it will be possible for us to reduce the rates of pay, and all that we could do would be to dispense with a certain proportion of the staff. If we did so, I advise the House that it would be impossible for us to collect the requisite amount of opium to comply with the requirements for our external demands and for the Indian market.

**The Honourable the President :** The question is, that the reduction be made.

The motion was negatived.

#### DEMAND UNDER HEAD 'OPIMUM.'

**Rao Bahadur T. Rangachariar :** I beg to move, Sir :

'That the Demand under head Opium be reduced by 20 lakhs.'

In addition to my objection to the lump figures, it will be noticed by Honourable Members that on page 39, there is a special item in which there is a very large increase, namely, payments for cultivation in Malwa. In 1919-20, it was Rs. 7,32,345. The revised estimate for 1920-21 was Rs. 17,70,000. Now the Budget estimate goes up to 38 lakhs, and there is no explanation either in the memorandum or here as to why this large outlay is needed and whether this outlay is likely to produce an enhanced income. If such were the case, no doubt it would be unobjectionable. Honourable Members will also find, if they turn to page 40, that the total expenditure for 1919-20 was Rs. 130 lakhs and 1920-21 Rs. 122 lakhs. Now it is proposed to incur an expenditure of Rs. 151 lakhs and odd. It seems to me a very large addition, and compared with the Revenue which they expect for the year of Rs. 287 lakhs, whether this large expenditure of Rs. 150 lakhs is a necessary investment to produce that revenue of Rs. 287 lakhs is a matter also which requires to be considered. I therefore think that this estimate is extravagant and I ask for its reduction.

**The Honourable Mr. W. M. Hailey :** I quite appreciate the difficulty which has been put before the House by Mr. Ginzala and the difficulties which are implied in Mr. Rangachariar's last speech. I quite see that if we had had more experience of the needs of the House in discussing our Budget, we should, in issuing it, have put forward a memorandum explaining the exact effect of the various figures presented. I can undertake that next year the House shall have a running memorandum with the Budget which will show exactly the increases proposed and the reasons for those increases. I can only say, Sir, that if we have not done so this time, it is because we are novices equally with the Assembly in the needs and requirements arising from the new manner of dealing with the Budget. I can only, if an apology is needed to the House, offer it in the practical terms of a promise to put very much fuller information before them next year.

Now, Sir, supposing that we had such a memorandum it would have cleared up at once Mr. Rangachariar's point. There is an increase in the total sum which we demand for expenditure on opium ; it is made up mainly of the following items. There is an increase, as he himself points out, from Rs. 17 lakhs to Rs. 38 lakhs for payments for special cultivation in Malwa. There is also an increase of Rs. 9 lakhs also for payments for cultivation of opium in

our own territories. That accounts at once for a considerable portion of the increase. The remainder of the increase, I think, will be found in the item which we have already discussed, namely, increase in salaries. I think that accounts for practically the whole of the increase.

Now, let me take the items individually. The first item is the heavy increase in the payments 'for special cultivation in Malwa'. As I explained to the House just now, in what was I am afraid only a very brief outline of our opium transactions, we obtain a considerable quantity of opium from our own territory, namely, from the United Provinces; the remainder we buy from the Malwa States. We have a running arrangement with the States that we will buy up to a certain number of maunds every year—I think 40,000 maunds a year. They have had two bad harvests and last year and the year before were unable to give us anything like the usual quantity; they have had better rainfall since and expect in the coming financial year to give us an increased number of maunds. We shall pay for it approximately the same price—I think exactly the same price per maund, but of course an increased quantity of maunds will mean increased outlay. Now, Sir, that increased quantity of maunds next year is necessary if we are to keep up our contracted supply with those Governments with whom we are under an obligation to supply opium. I may say that as a matter of fact, the position has caused us considerable anxiety this year because our reserves are so low. It takes a long time to work up opium to the state in which it is exported, and the amount we are now purchasing is essential unless these reserves are to be seriously depleted. Every penny of the money Sir, will be well-spent, because, it will go to form part of that export on which we are still making a considerable revenue. I hope the House will consider this explanation to be satisfactory. We are taking more this year because we took a great deal less in the two previous years; and if we do not take so much more this year we may fall short of the demands of the market in the year following.

Then, Sir, as regards payments for cultivation of opium in our own territory: the House will see that there is an increase of Rs. 9 lakhs this year. For some years the cultivation of opium has not been as attractive to the cultivator in the United Provinces as in the past. No doubt the fact will rejoice the hearts of those people—perhaps there are not so many in this country as there are in the United States and in England—who desire to see the total abolition of our opium supplies both to the outside world and to India. But it is not a point which could be expected to rejoice our hearts at Budget time, because it may imply a very considerable loss of revenue. Prices of food-grains and sugar have gone up, and the cultivator prefers in very many cases to give his worst land to opium and his best land to food-grains; we have found that we shall have to pay him more per seer for his opium if we are to keep up the necessary supplies from the United Provinces. It is because we have had to budget for an increased payment for our opium that the sum has gone up from Rs. 81 lakhs to Rs. 90 lakhs, and I am convinced, Sir, that if we do not pay this extra sum we shall not get our opium and therefore we shall not earn our estimated opium revenue.

**Rao Bahadur T. Rangachariar:** I beg to withdraw my motion,\* Sir.

**The Honourable the President:** The question is, that the motion be withdrawn.

The motion was, by leave of the Assembly, withdrawn.

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\* *Vide* page 854 of these Debates.

**The Honourable the President:** The question is :

‘That a sum not exceeding Rs. 1,50,73,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of Opium.’

The motion was adopted.

**Mr. J. Hullah:** I move, Sir :

‘That a sum not exceeding Rs. 9,67,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 for Land Revenue Administration.’

**The Honourable the President:** The question is :

‘That a sum not exceeding Rs. 9,67,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 for Land Revenue Administration.’

#### PROVISION FOR COORG.

**Mr. T. V. Seshagiri Ayyar:** Sir, my motion before the Assembly is :

‘That the provision of Rs. 1,02,750 for Coorg be reduced by Rs. 50,000’

Sir, this motion is brought forward partly with a view to eliciting information, and partly, to drawing the attention of the Government to the anomalous state of the administration of this little province near Madras. The province itself in extent is just two times the size of a taluk in Madras. Well, it has a commissioner, and a number of officers serving under him, and the cost of the administration is very much like the cost of administration of a district. If these two taluks had been added to a district in the Madras Presidency, the cost of the administration would be reduced to one-third of what it is at present.

That is not the only matter which this House should take into account. There are anomalies regarding the administration of civil and criminal justice. So far as the criminal administration is concerned, the European British subjects in that province have the right of getting a committal to the Madras High Court. The other subjects of His Majesty have to come under the jurisdiction of the Resident in Bangalore. As regards civil administration, I believe there are munsifs and there is a commissioner, and ultimately appeals have to go before the Resident. So, it is a divided administration so far as jurisdiction as to appeals is concerned. Part of it goes to Madras, part of it goes to the Resident. One cannot understand why a province so far from Delhi should be administered from here, whereas we have got a Presidency, the Presidency of Madras, which can easily administer it with less cost and more efficiency. It is for the purpose, as I have said at the outset, of eliciting information from the Government as to why a move has not been made to annex this province to Madras and why they allow this anomalous state of affairs to continue, that I have brought forward this motion.

**The Honourable the President:** The question is :

‘That the provision of Rs. 10,27,250 for Coorg be reduced by Rs. 50,000.’

**Sir P. S. Sivaswamy Aiyer:** Sir, with due deference to my esteemed friend, Mr. Seshagiri Ayyar, I must protest against this proposition with

regard to the expenditure on Coorg. He wishes to raise the question of the annexation of Coorg to the Madras Presidency, the question whether it should remain directly under the Government of India or under the Government of Madras. Though it may be possible to bring this proposition within the limits of a discussion on the Budget, I do not think that it is quite legitimate to do so. This is really an important question, whether a particular province should retain its integrity and its independence or be annexed to some other province, and I do not think that this is the right way of raising the question in this Assembly and securing a decision. The proper way of bringing forward this question before the Assembly is to raise the issue squarely upon a separate Resolution brought forward, not during the Budget season, when we have a thousand and one questions before us, but after due notice, after the public have had time to consider it, and after the people of the province have had time to consider it. There are many things to be considered in a matter of this kind, and I take it that the wishes of the people of Coorg are also a matter to be taken into consideration. I have visited Coorg and I have spoken to men in that province. I know that a great many of them would desire to be attached to the Madras Presidency because they think that they may acquire greater political privileges. On the other hand, I have heard an expression of opinion to the contrary, no doubt, chiefly from European friends, who think that Coorg is treated very much better by the Imperial Government than it would be by the Provincial Government, and that Coorg gets much more handsome grants from the Imperial Exchequer than it is likely to get from the Madras Government. But, whatever may be the merits of this controversy, whatever may be the wishes of the people or of the authorities, I respectfully submit that it is not a question which ought to be gone into by us at the Budget stage. I would, therefore, suggest to this Assembly that this question should not be entertained during the Budget discussion.

**The Honourable Sir William Vincent :** Sir, I was not aware that the question of the administration of Coorg was going to be brought before the Assembly to-day. It has, however, come up in a somewhat indirect way and as the point has been raised, I may explain that our information is—and I believe it is correct—that the people of Coorg, as a whole, prefer to be a separate entity under the Government of India to amalgamation with Madras. We have, therefore, put forward certain separate proposals for the reform of the Government in that province. These include a Legislative Council on the lines of the Morley-Minto scheme with certain modifications. If, at any subsequent time, it is thought advisable in the interests of Coorg and in accordance with the wishes of the residents who, I understand, are different in many respects, from the residents in the Madras Presidency, to investigate this question of amalgamation with Madras, the Government of India will be quite prepared to consider it. But I may put it to this Assembly that it is a little embarrassing to Government to have a motion of this kind suddenly thrown at its head under the guise of a motion for reduction of the grant to Coorg, when it is quite impossible for the Government of India or for any of the Members of this Assembly to acquaint themselves with the facts of the case or the wishes of the people affected. I hope I can also satisfy the Assembly that a reduction of the grant is impossible for other reasons. For they will see for themselves, that if any such vital change in the whole administration of the province were to be undertaken, it would be quite impossible to give effect to it in the present year and the grant in this year's



[ Sir William Vincent.]

Budget, therefore, would have to be made in any case, unless, of course, this Assembly decides that the whole administration of the province is to stop.

**Mr. J. F. Bryant :** Sir, I admit that this motion has come before us somewhat as a surprise. I knew of it only yesterday evening and I regret I have not had time to study the matter in the manner in which it should be studied. But I have had one advantage, that is, that I have been actually in Coorg itself. I spent a considerable time there. I was in intimate contact with the people there throughout the whole of my stay. I learnt, that the province did not come under the Government of India in the same way as other provinces have come under it. The people desired that it should come under the Government of India. I believe, amongst the original arrangements by which it came under British rule, there is a stipulation that it should not come under the Government of Madras.

So long as we take the wishes of the people into consideration, so long shall we be debarred from making any motion detrimental to the people of Coorg without first consulting them. The people of Coorg, Sir, are mostly planters. The staple industries are coffee and pepper cultivation. The politics of that province deal solely with the question of labour. The people prefer the Government of India's legislation dealing with labour to the legislation imposed by the Government of Madras. So long as there is a difference between the Madras Act I of 1893 which regulates planting labour in the province and the Government of India Act, XIII of 1859, which regulates planting labour for Coorg, people in Coorg will continue to prefer to be under the Government of India.

The Government of India Act suits them better and it is for them to determine whether they shall continue to prefer the rule of the Government of India. Sir, it will be anomalous for us to consider this motion without full notice being given to the people themselves who are mainly concerned.

**Mr. T. V. Seshagiri Ayyar :** Sir, after listening to the speeches just delivered I have not been able to realise the gravity of the offence I have committed in bringing forward this motion before the House. I began by saying that I wanted to elicit information and I wanted to draw attention to the anomalous state of affairs. Sir P. S. Sivaswamy Aiyer, probably he has been thinking of the days when he was a Member of a Council, --has been so stiff-necked that no Member sitting on the other side of the bench would have been so uncompromising as my learned friend has been. It is rather unfortunate for me that at the very outset, Sir P. S. Sivaswamy Aiyer should begin with a protest against the very idea of a motion like this being entertained. All I wanted to do was to draw the attention of the Government to the point so that the Government at some future time may consider the desirability of annexing Coorg, making the administration less costly and also making the administration of civil and criminal justice more efficient and better than it is at present. It was for that purpose that I drew the attention of the House to it and I am glad that Sir William Vincent has made a promise that at some future time, when conditions improve and if the people of the province desire it, the province will be annexed. As a matter of fact, the Government of India is in the habit of removing districts from one presidency, and adding them to another presidency. I do not know whether the Government have always been very solicitous of ascertaining the wishes of the people concerned.

**The Honourable the President:** The question is, that the motion\* be withdrawn.

## LAND REVENUE DEMAND.

\* *Vide* page:856 of these Debates.

**Mr. J. Hullah :** That sum is largely made up by an item of Rs. 2,13,000 for the substitution of free labour for convict labour. It has been found that free labour is more efficient, and it is, moreover, very difficult to maintain discipline over the convicts when they are allowed to work in the forests. The policy of substituting free labour for convict labour has already been in force for a couple of years, and we hope that very soon, possibly next year, we shall be able to dispense with convict labour altogether. The rest of the sum is made up by Rs. 50,000 for the extension of the saw mill which we have in the Andamans and a sum of Rs. 8,000 is provided for the purchase of a steam-cutter.

The motion was, by leave of the Assembly, withdrawn.

#### EXTRA ASSISTANT CONSERVATORS.

**Mr. B. Venkatapatiraju :** Sir, I beg to move :

‘That provision of Rs. 1,57,940 for Extra Assistant Conservators and other superior officer (page 53) be reduced by one lakh.’

Perhaps, Sir, it is my duty to explain at some length why such amendments are moved. The Honourable Mr. Innes has told us ‘Why not leave the administrative business to executive officers?’ I respectfully ask the Government what portion of the responsibility is left to us. Are we not even to dictate the policy? Therefore, in order to economise the administration, we have to move amendment after amendment whether accepted by the Government or not. And the complaint was made by the Honourable Mr. Ginwalla that we are unable to sift the matter thoroughly. I am in as much difficulty as is Mr. Ginwalla himself in understanding it, because the same papers are placed in his hands as are placed in mine. All the same we have to take a broad view of the question to see whether we cannot suggest in the case of abnormal growth of expenditure any reduction in any particular figure. With reference to the salaries of these officers—I am only dealing with superior officers and am leaving out the subordinate establishment—at page 53 you find the whole was increased from Rs. 2,05,000 to Rs. 5,46,000, more than 106 per cent., and with reference to the particular item about which I move from Rs. 53,000 they want to increase it to Rs. 1,57,000, that is nearly treble. With reference to developmental functions, *i.e.*, those which will produce any additional income, we should not grudge spending any amount. When I notice there are only 8 officers increased and yet we have an increase in expenditure of nearly 3 lakhs, from 2 lakhs to 5 lakhs, I ask, is it necessary that we should spend all this amount? I could very well understand if a larger number of people were employed in order to bring about this forest improvement and forest development in a large part of the country, but I find that with these 8 persons, they want to saddle the general tax-payer with an additional sum of 3 lakhs of rupees. In this matter we must either wholeheartedly criticise the Budget or leave it to the Executive to do whatever they please; there is no use of suggesting any amendment and not in pressing for it. Therefore, Sir, I earnestly request that, unless you are satisfied with the explanation given by the Executive, you must reject this abnormal increase.

**The Honourable the President :** The question is :

‘That provision of Rs. 1,57,940 for Extra Assistant Conservators and other superior officers be reduced by one lakh.’

**Dr. Nand Lal :** Sir, I will invite the attention of this Honourable Assembly to this particular item, which does seem to me to be exorbitant. No reason has been assigned for the great difference. The Honourable the Mover has already pointed out the difference between the item which was demanded last year and the sum which is being demanded now. I can assist you by inviting your attention to the same question, so that you may be able to realise that this large demand is not called for at all. Under the heading 'Budget Estimate, 1920-21,' it is Rs. 53,220 and then under the head 'Revised Estimate, 1920-21' it is Rs. 51,780. What is demanded now is Rs. 1,57,940, a tremendous difference. And no explanation, no reason for this great difference has been given..

Therefore, I trust, this Honourable Assembly will accept the Resolution which has been moved.

**Mr. J. Hullah :** I admit, Sir, that I am not able to justify the full provision that has been made in the item under discussion. That, however, does not mean, as I shall show later, that I can accept the Resolution.

The provision for Extra Assistant Conservators and other special officers is meant to provide not only for the existing staff of these officers in the Andamans, Baluchistan, Ajmere and Coorg, but also for an expansion of staff at the Dehra Dun Research Institute. We have in the forests of India an enormous industrial and commercial asset and we have now a scheme,—in fact it has already been introduced,—for developing our Research Institute at Dehra Dun so as to make it a first class research and experimental station. Apart from scientific officers who will deal more especially with pure forestry, such as officers in sylviculture and botany, we have also employed, or propose to employ, experts in forest chemistry, tanning materials, minor forest produce, paper pulp and cellulose, wood seasoning and wood technology. These officers, most of whom were provided for in last year's Budget and are also provided for in this year's Budget, will be assisted by officers of the provincial and subordinate services, and the provision for such assistants is comprised in the figure now under discussion and includes the pay of two assistant botanists, one assistant sylviculturist and two assistant chemists. They, in all, will cost Rs. 36,000, the existing staff in the Andamans will cost Rs. 26,000, in Baluchistan 4,400, in Ajmere Rs. 5,300 and in Coorg Rs. 13,420. Now, the total of this comes to only Rs. 85,000 and the figure put down in the Budget is Rs. 1,57,000. There is, therefore, room, it would seem, for a reduction of Rs. 72,000. But, now, I have to draw attention to the very large provision made for probable savings on the whole of the establishments Budget. At the time when the Budget was framed, we were not in a position to know exactly what staff would be required at Dehra Dun and to inform the Finance Department, and they, therefore, while making full provision for officers of the classes now under discussion made an enormous allowance for probable savings on the whole Budget. We are helpless in this matter. I understand that the Accountant General, on his previous experience and his future anticipations, cuts out a lump figure. You will see that in last year's Budget only Rs. 90,000 was deducted on that account, while this year the deduction is Rs. 2,84,000; and although I am not able to give the House details of the savings which the Accountant General anticipates, I am confident that a very considerable amount of these has been estimated for under the provision that we have made

[Mr. J. Hullah.]

for the establishment at Dehra Dun. I, therefore, although I am not able to justify this figure as it stands, am unable to accept the proposal brought forward.

**Mr. R. A. Spence:** Sir, I too should like to oppose this Resolution for cutting down the sum of money provided for these extra assistant conservators. It is very often stated that Departments of Government are not run on businesslike lines or for the benefit of India from a commercial point of view. From what I know of the Forests of India and the work they are doing, I can say that this work specially is going to be of very great value to India from the commercial and business point of view. And just as the Forests are waking up and are going to be of such great use and benefit to the country, I think it would be very bad policy indeed to reduce the money that is being spent on the Forests.

**Rao Bahadur T. Rangachariar:** I should have understood the position better if the Honourable Member in charge, or the Honourable Mr. Spence, had thrown some light upon the productive nature of the expenditure which is going to be incurred. As it is, the particular item under consideration relates to particular officers, the provision for whom has been raised from Rs. 51,000 to Rs. 1,57,000. The Honourable Member who spoke for the Government spoke wide of the mark altogether. He went on justifying the expenditure at Dehra Dun and various other places. We have nothing to do with Dehra Dun in connection with this motion. This relates to a particular item, and why there should be this sudden increase from Rs. 51,000 to Rs. 1,57,000 is a matter which cannot be allowed to remain unchallenged. The Government have not justified it, and the Honourable Member admitted he was not able to justify it. Unless they are able to justify it, we should not allow it to stand.

**The Honourable Mr. B. N. Sarma:** Sir, we approached the Finance Department with a much larger figure under the head of Forests, because we hoped to be able to improve the Forest Research Institute at Dehra Dun considerably, so as to enable us to impart the highest education possible in Forestry in India, and as a preliminary thereto and to promote research, also improve the Research Institute and various other departments of activity which are auxiliary to the main purposes. But the Finance Member ruthlessly cut down that expenditure and has made a provision only for 25 lakhs and odd.

The Honourable Member asked as to whether we have not been providing too much under the head of salaries when we ask for a provision of Rs. 5,46,000. In making provision for salaries, etc., for the Department as a whole, it is impossible for us to say exactly how much of it will be spent, because we do not know how many officers, we expect to recruit, will be recruited, either in England or here. That is one of the difficulties under which we are labouring. We hope to increase our establishment. There are a good many vacancies in the Forest Department, speaking generally, and both the Secretary of State and the Government of India are trying to recruit as many officers as possible owing to the shortage in personnel in every department. But we have to make provision in the meantime, and we have accordingly provided Rs. 1,57,400, with a deduction provided elsewhere. If these appointments can be made either by the Secretary of State or by the Government of India,

then the greater part of the amount really provided will possibly be spent. At the same time, as I have said, under the whole head the amount has been cut down, because if our experience of last year is repeated this year we may not be able to recruit as many officers, build as many buildings and secure as much apparatus as may be necessary to start the Institute in full working order. I hope, therefore, the Council will be satisfied that under Forests, which requires considerable development, there should not be any undue economy and that every pie that can be spared should be provided for and spent. As far as the increases in the salaries of Imperial officers are concerned, that is a non-voteable subject. I do not think any economy which can be effected in this respect in the other services and branches will go far to meet the wishes of those Honourable Members who think the present salaries are already too large. There have been complaints from the officers concerned that the Secretary of State has not gone sufficiently far in that direction. But that is a side-issue. I hope this explanation will show that we have not asked for one pie too much, and that the grant will be sanctioned.

**Sir P. S. Sivaswamy Aiyer :** Sir, there is one point upon which I should like to have some further explanation from the Honourable the Revenue Minister. He has told us that when his Department put forward demands for money, he opened his mouth very wide. I am quite prepared to believe it, but what I do not understand, is this. There are at present 10 extra assistant conservators on the establishment during the current year 1920-21. It is proposed to increase the number to 15 in the next year. Therefore the addition of five extra assistant conservators in the next year has to be made. The salaries are said to range from Rs. 200 to Rs. 1,000. Generally, when you add more officers to an existing cadre, you start those officers at the lowest rung of the ladder and not at the topmost rung. Now, supposing you start these five extra assistant conservators at the lowest rung of Rs. 200 per mensem, it would come to Rs. 24,000 per annum extra, whereas we find that the Honourable Member has succeeded in getting a Budget provision of Rs. 1,06,000 more, which does not seem to be adequately justified by the explanation he has given. Let us suppose, on the other hand, that these five extra assistant conservators are to be started at the topmost grade of Rs. 1,000 a month. That would come to Rs. 12,000 a year for each man, and for five men Rs. 60,000. Even then the proposed addition of Rs. 36,000 has not been properly explained. I submit, that the proper way of making additions to your cadre is by beginning at the lower end and not the higher. Otherwise after a few years the men will complain that they have not had any increment for a long time.

I should like to have a word of explanation on this matter from the Honourable the Revenue Member.

**Mr. B. Venkatapatiraju :** Sir, we may be sympathetic towards the explanation given by the Honourable Member for Revenue and Agriculture, but I do not think we can forego our claim to decrease this amount. We are of course anxious that we should have our staff in tip-top condition; we do not complain of that, and there is provision for so many professors in the college and for experts, botanists, etc., costing Rs. 82,580. We are not at all for deducting that amount in any way; but in a case where, as the Revenue Secretary himself admits, it is not a justifiable figure, we are helping the department if we cut down this figure; because if they find it absolutely necessary they would prepare their budget correctly, so that they will be in a position to justify their demand before they ask for our vote.

[ Mr. B. Venkatapattiraju. ]

In this case they themselves provided for a probable saving of Rs. 2,84,000 ; probably it may be saved or it may not be saved ; if any additional amount is wanted, perhaps they may not be able to save it at all. Even if the explanation of the Honourable Member that we must all encourage additional expenditure on forests be accepted, I do not know whether that has anything to do with the proper preparation of the Budget with reference to the demands. Therefore, on principle alone, we must all unanimously try our best to reduce this amount, so that we might have a better Budget next time.

**Mr. J. Hullah :** Sir, I only wish to repeat that we cannot consent to reduce this provision unless the provision for probable savings is also reduced by a corresponding amount. Therefore, I am unable to accept the Resolution.

**The Honourable the President :** The question is that the motion\* for reduction be accepted.

*The motion was adopted.*

#### REDUCTION BY 3 LAKHS IN FORESTS.

**Rao Bahadur T. Rangachariar :** Sir, in moving

‘ That the Demand under head Forests (No. 8) be reduced by 3 lakhs, ’

my object is to draw attention to the fact that the Budget estimate does not indicate that any really important step is going to be taken to make these Forests a productive concern. I notice a large increase made in this department for revision of the pay of the officers ; and a lump provision has been made for superior officers on page 53 ; at the bottom of the same page, there is again a lump provision for revision of establishment in Port Blair ; and on page 54 lump provisions have been made for the re-organisation of the establishment of the Forest College, for the establishment of the Tanning Expert and for revision in Coorg ; there are other items like ‘ Sundries ’ etc. These are the items which go to make up the increased cost. It will be noticed on page 52, that the total expenditure in 1919-20 was Rs. 14½ lakhs, and it is now proposed to increase it to 20 lakhs. I may say at once that I should not grudge this, and I should be the foremost in approving of expenditure on forests, because it is one of the items which we have to develop, and perhaps develop at a very fast rate. so that the forest industries and the by-products from forest industries may be rapidly developed. But unfortunately I find no provision made for any machinery being brought down, nor for any experts who will develop the particular processes by which forest products may be utilised for industrial purposes ; I do not find any trace of that ; the whole increase is due to establishment and establishment alone, and I should like the Honourable Member for Agriculture to explain this, as this is my doubt on this point. If he can assure me that he is going to develop the forests so as to make them productive, so as to make the department instructive, so as to make Indians take a larger share in learning these forest industries, I shall not press my motion.

**Dr. Nand Lal :** Mr. President and Members of this Honourable Assembly, if you will kindly take the trouble of comparing these figures which are given at page 51, I think you will have to admit that the motion which is before this Honourable Assembly is sure to meet success. You will kindly see that the total expenditure is given as Rs. 29,62,000—both voted and non-voted—and the voted amount, for which this Demand is made is Rs. 25,70,000. When we go into all these details relating to all these expenses we do not find any

\* Vide page 860 of these Debates.

explanation; as for instance if, you will take the trouble of comparing some of the items printed on page 54, *e.g.*, the lump sum provision for the establishment of the Forest College, Rs. 25,000, lump provision for the establishment of the Tanning Expert Rs. 7,000, lump provision for revision in Coorg Rs. 23,200. There are other items also which are printed here, to which no sufficient explanation has been assigned. Therefore, in the absence of any explanation I feel constrained to support this motion. If the Honourable Official Member has got any explanation and that explanation is convincing, we may gladly share the view which is held by Government. In the absence of that reason or explanation, I am sorry, I shall have to request this Assembly to vote in favour of the motion which speaks for itself.

**The Honourable Mr. B. N. Sarma:** Sir, the expenditure under forests may be taken under several heads; firstly, the salaries which are paid to the Imperial Services, which are not a subject-matter of the vote; then the salaries of provincial officers and subordinate officers which have been revised to some extent, and which in some places still require revision. In the areas directly under the Government of India, *viz.*, the North-West Frontier Province, Burma, Andamans and so on, a certain amount of direct expenditure is incurred for the extraction of timber, of course both, under the revenue and expenditure heads and there is a fourth item which would interest the House very much, and that is the item primarily concerning research and higher education.

With regard to the Imperial Services, I have already stated the position in which the House stands.

With regard to the Provincial Services, I do not think Honourable Members will consider that the salaries as revised are so high as to require retrenchment when I mention that universal dissatisfaction has been expressed by the provincial service, and that except in one or two respects their position now is nearly the same as it was before the revision. I am not saying for a moment that those officers are not being paid as well as they ought to be, but I am only indicating to the Assembly that these revisions have not entailed any very considerable expenditure and have not roused any great enthusiasm.

Then, with regard to the revision of the menial establishment and so on, the expenditure does require a considerable enhancement, and I need not state the reasons. There are two items of large expenditure in which the Government of India are greatly interested and on which they hope to be able to spend more money, but unfortunately have not been able to do so, and these two items relate to the expenditure on the Andamans and on the Forest College and Research Institute. With regard to the Forest Research Institute, it was hoped that we should be able during the next year to start building operations for its proper housing. The question of the location of the Imperial Forest College has not yet been finally decided. This Assembly will have an opportunity of expressing its opinion as to where we are to have the highest type of educational centre located, whether in India or in England, but we felt that it was absolutely necessary that we should make some provision to meet the contingency of education in forestry being imparted in India, and research being pushed forward, and consequently the lump provision of Rs. 25,000 has been put in there for the re-organisation of the establishment of the Forest College. It will serve the purpose of the present Forest College, but we hope that, if further funds are forthcoming, they might be utilised as a nucleus for the purpose of starting the other institution also. I do not think Honourable Members will quarrel with that disposition of the tax-payers' money.



[ Mr. B. N. Sarma. ]

With regard to the Forest Research Institute itself, we hope to make Research so effective and efficient as to increase the material wealth of the country in the near future, and for that purpose we have imported experts, and the lump provision includes the establishment of a tanning expert.

With regard to the Andamans, I may mention, there seems to be a good deal of misapprehension. It was pointed out to us by competent officers that if we could only obtain Rs. 10 lakhs next year and make a beginning, our resources could be so augmented as to yield a very handsome profit to the extent of 40 to 50 per cent in the near future, and yet owing to financial exigencies we have not been able to do it. Honourable Members, therefore, will perceive that I am not indulging in mere vague generalities when I say that it is only a minimum grant that has been given to us under the head of 'Forests'.

The Honourable Member from the Punjab asked me as to what was meant by the lump provision for the revision of the establishment in Coorg. The various proposals submitted cannot be sanctioned finally unless they are thoroughly scrutinised, but if no provision be made in the budget, it will be impossible to meet even very urgent requirements, and so a modest sum of Rs. 23,200 has been put in under that head. I may say in passing, that Coorg is not a *minus* province and is not a burden on India, and consequently Honourable Members may feel certain that the general tax-payer is not being mulcted for the benefit of the people of Coorg. Every item of expenditure under this head will be carefully scrutinised, and I trust that Mr. Rangachariar and those who think with him will allow that item, reduced as it is already, to remain as it stands.

**Rai Bahadur Pandit J. L. Bhargava :** Sir, may I ask Mr. Rangachariar if the amount proposed by him includes the amount of 1 lakh already voted for or if it is over and above that ?

**Rao Bahadur T. Rangachariar :** I am thankful for the information just given by the Honourable the Revenue Member, and in view of the department being an infant department and that it is in charge of a Member who is enthusiastic about it, I do not wish to press my motion, and I beg leave to withdraw it.

**The Honourable the President :** The question is, that leave be given to withdraw the motion.\*

The motion was, by leave of the Assembly, withdrawn.

**The Honourable the President :** The question is—

'That a sum not exceeding Rs. 24,70,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March, 1922, for Forests.'

The motion was adopted.

**The Honourable Mr. S. P. O'Donnell :** Sir, I beg to move :—

'That a sum not exceeding Rs. 25,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922, for

Registration.

Registration'.

The motion was adopted.

**Colonel W. D. Waghorn :** Sir, I beg to move :—

'That a sum not exceeding Rs. 61,68,61,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922,

Railways.

for Railways'.

## WORKING EXPENSES.

**Mr. B. Venkatapatiraju :** Sir, I move :—

‘That the provision of Rs. 58,21,72,000 for working expenses of Railways on page 56 be reduced by 5 crores’.

Sir, when we are dealing with a matter in which I want a reduction of some crores, perhaps you will find as much difficulty in understanding it as for me in presenting it. My position is this. Before the constitution of the Railway Board our working expenses before the year 1905 were about 50 per cent. or perhaps less or say 47 per cent. for several years, for about 15 years. But since 1905 up to the present year, the expenses were increasing year by year. I cannot lay out my finger on any particular item and say whether this should be reduced or that should be reduced. My point is that this is purely a commercial question. This is not an administrative matter to decide whether we should not rule over a counter or not. When we are dealing purely with a commercial matter, we must approach the subject in a business-like spirit, and decide whether it is possible or not for the Government to reduce this high percentage of working expenses. I put it only on the ground of high percentage of working expenses. I have got the figures of England only up to 1897 as they were not managed by Government. They were 57 per cent. of the gross earnings. Some railways only spend 51 per cent. But since our railways are managed by the Railway Board, we find that the working expenses come to about 67 per cent. Now I hope Government will be good enough to explain whether, though provision will have to be made for increase of wages, increase in the cost of fuel and coal and also for renewing the wagon service, whether it is necessary to continue this process of administering railways at such high cost.

We have heard from the Honourable the Finance Minister that our nett savings under this head are growing less year after year. Is it then necessary, when our nett income is growing less and less, that our working expenses should mount up higher and higher? Is there no mode, is there no method of reducing this extra unnecessary expenditure from the point of view of the general tax-payer?

I know some time back some inquiry was made with reference to working expenses. When the late Mr. Gokhale moved more than once in this Hall that reduction should be made with reference to working expenses, the authorities in England put pressure on the companies who are running these railways to reduce working expenses. Then, I suppose, Lord Inchcape came here to inquire into the matter. I do not know what recommendations were made or if there was any actual result in reducing expenses to a reasonable limit. I may state that in other places such as Canada and South Africa the proportion of working expenses is higher, for the simple reason that they are not able to secure labour at such cheap rates as we do in India. We are not asking Government to perform wonders. Our own Government was able to achieve something during the last 20 or 30 years; why should they not continue to adopt the same procedure instead of increasing this burden? The late Mr. Gokhale suggested that more than 50 per cent. is on any grounds not justifiable with reference to these commercial matters, and now we are nearly approaching 67 per cent. May I not ask the Government to reduce working expenses to some reasonable figure, say even 57 per cent. as it was in 1919-20? I cannot ask you to take any particular figure and to reduce it. I only ask you to compel the Government, if they are not so inclined, to reduce these expenses to reasonable limits. With that object in view, Sir, I make this motion for the reduction of 5 crores.

[ Colonel W. D. Waghorn. ]

**Colonel W. D. Waghorn :** Sir, I think before we proceed further with this discussion, it would be as well if I explained precisely what working expenses involve. Increase of wages, increase in cost of materials, these items form the principal causes of this increase of working expenses. In the particular case in question, the Honourable Member is comparing, I presume, the estimated provision voted for 1921-22 with the budget estimate for 1920-21.

I may at once explain how these particular increases have, in this instance, arisen ; they are rather special and peculiar. If Honourable Members will turn to page 2 of Appendix B and pass their fingers down column 4, they will find that the revised estimate provision for the current year is Rs. 54,12,85,000 as compared with Rs. 58,21,72,000 estimated for next year. Now, if we examine the items under which the proposed increases have been put forward, it will be seen that they come almost entirely under ' Fuel (Abstract B) ' which has been increased from Rs. 5,93,82,000 to Rs. 6,54,00,000 and ' Programme Revenue expenditure ' which has been increased from Rs. 5,86,22,000 to Rs. 9,25,00,000. That is to say, in the case of Fuel it is increased by about Rs. 60 lakhs and in the case of Programme Revenue expenditure it is increased by about Rs. 3,40,00,000. These two items alone, therefore, account for the increase of 4 lakhs over the revised budget estimate of 1920-21. These are the latest figures we have. Any explanation that I can give will be furnished with a view to showing that there is no provision for normal increase over the revised budget estimates for 1920-21. The extra provision for fuel will, I fear, prove insufficient, as it is intended to allow for the extra mileage which it is hoped we shall work and the extra cost of fuel thereby required.

In addition to this, we have a great deal of lee-way to make up in the matter of programme of renewals, renewals to locomotives, renewals to rolling stock, renewals to permanent-way, which have been left undone during the war. We had hoped to make headway with these items this year and it was proposed to spend Rs. 8 crores on revenue renewals. We have, unfortunately, not been able to work up to that figure. Had we worked up to that figure, the difference would have been less. The additional provision now required is simply to make good the deficiencies during the years of the war and I feel quite sure that no Members of this Assembly will wish us to stand fast and let things remain in the state in which they were when the war ceased. We are trying to make good the losses that have occurred, and it would be a dereliction of our duty were we to attempt to do otherwise. I do not think there is anything more. These are the causes of the increase which I think my Honourable friend, the Mover of the motion, is objecting to. He has moved for a reduction of Rs. 5 crores, which would mean our working at Rs. 1 crore less than the actual working expenses this year. This calls for no comment.

**Mr. A. B. Latthe :** Sir, the Honourable Mover of this motion said, he could not suggest under what exactly a retrenchment of Rs. 5 crores could be made ; but, from the explanation which the Honourable Member in charge of the Railway Department has given, it seems to be quite clear that the great increase in expenditure in the coming year is under the head of what is called Programme revenue expenditure, and that is explained, as Honourable Members will remember, in this Memorandum which has been supplied to the House. From paragraph 44 of that Memorandum it appears that this increase in expenditure is made for the purpose of renewals of permanent-way, renewals and heavy repairs to locomotives, rolling stock, etc. So, at any rate, it is

quite clear that we are not now dealing with any question of enhanced pay. Most of the time we have been discussing the Budget, we have found that the increases are due to enhanced salaries, and it is very difficult for the House to suggest any retrenchment in matters like that.

The proposal before us is that the Railway Board wants to spend during the coming year about 8 crores on the renewal of the permanent-ways, etc. And the question which you have to consider is whether it is necessary that so much expenditure should be sanctioned by this House. If you look at the expenditure which has been incurred in the current year, you will find that the Railway Board have been able to spend only about 5 crores. Now the budgetted amount for the current year was 8 crores and 76 lakhs, that is to say, that 8 crores and 76 lakhs were sanctioned for this purpose, but the Railway Board spent only 5 crores 86 lakhs. If a reduction under this head is made, I would suggest that it is just possible for the Department to work in the way they have been working during the year that is about to close.

If they can go on with the renewals in the way they have been going on during the past year, I do not see why there should not be a reduction of at least 3 crores by the Department, under this head.

It will be argued that the work of renewing the permanent-way and doing other kinds of repairs, was not properly taken in hand during the war and that it is therefore necessary that more money should be spent this year. Now, before giving your consideration to this argument, I would ask the House to consider a few facts regarding the administration of the railways, which will perhaps enable the House to arrive at a right judgment.

Honourable Members will remember that in the estimates for this year, a net profit of about 4 crores is estimated by the Honourable the Revenue Member. They will also remember that this profit of 4 crores is due to the increase of  $5\frac{1}{2}$  crores on account of the new surcharge tax which is going to be levied under the proposals of the Revenue Member. So if you put aside the additional charge we are going to recover during the coming year, under the scale of expenditure which the Railway Board wants us to sanction, there will be a net loss of 1½ crores. The estimated profit on 4 crores is due simply to the fact that we have an additional surcharge of  $5\frac{1}{2}$  crores according to the Honourable Mr. Hailey's proposals.

**The Honourable Mr. W. M. Hailey :** Sir, may I rise to a point of order? The Honourable Member has made a reference to a statement made by me. The figures he is now giving are not correct, because the figures of profit from railways I gave in my opening speech on Budget day did not include the estimated receipts from surcharge tax.

**Mr. A. B. Latthe :** Do I understand that the amount of 87 crores shown in the Budget does not include recoveries which are likely to be made by the surcharge?

**The Honourable Mr. W. M. Hailey :** No.

**Mr. A. B. Latthe :** After the explanation which has been given by the Honourable the Finance Member, it is of course necessary for me to withdraw the remark which I made just now regarding the profit. But all the same you will find that the profit expected this year is 76 per cent. That is the profit we expect to get from the Railway Department. It is even less than 1 per cent.

[ Mr. A. B. Latthe.]

This profit in 1920 was 2·77 per cent. and since then you find that we have been getting less and less profit. In 1920-21 we obtained '97 per cent. profit and according to the estimates for the coming year we are only going to get '76 per cent. Perhaps the Members of this House will remember that one Honourable Member—I think it was Sir Frank Carter—said the other day that we should not look upon the railways as a source of revenue to the State, and it is just likely that the same consideration may be put forward on this occasion also. It might be argued that we should leave the railways to themselves so that any profits coming from the railways could be devoted to the development of that Department. I think that argument is likely to come before us. I submit, we need not attach much importance to that argument. I would request the House to remember that for years past the revenues of India have suffered very heavy loss on account of railways. For over 50 years the railways did not pay their way and the revenues of this country had to bear a net loss, and now that we have been getting a little profit out of the railways, I consider it is very unfair to suggest that we should not accept any profits for the State which has borne such a heavy loss for many years. Then, I am sure, that my Honourable friend, the Member in Charge of the Railways, will urge in his arguments that the repairs and renewals are very necessary. In reply to that, I would submit, that we can go on for another year in the same way as we have done during the present year. I do not think that there would be heavy loss if this large outlay was cut down. I would ask the House to remember the peculiar circumstances of this year, the difficulties we are facing with regard to the great financial deficit which we have; and in view of the fact that this deficit is heavier than any before borne by the Finance Department of the Government of India, and also in view of several other circumstances of the nature of which I need not remind the House, I think that we may in all justice to ourselves expect the Railway Board not to increase the pace of renewals, that they should be satisfied with something like 5 crores and that they should at least consent to a reduction of 3 crores under this head. That would enable us to meet the requirements of the Tariff Bill which I think will shortly come before us. Unless we make a reduction under this head I do not see that there is any possibility of the House being able to effect any improvements in the taxation proposals which will shortly come before us, and as I do not think this proposal to reduce the amount by 3 or 4 crores will result in any great damage, I support the motion before the House.

Now, Sir, it is just likely that next year we shall have better finance and we shall be able to sanction a larger amount. I do not deny that the Railway Department will try to make the best use of even 8 crores this year, nor do I deny that these renewals might be necessary. I do not deny any of these facts, but I submit, that in view of the peculiar circumstances of this year and our financial difficulties, it would be a very wise thing for this House to tell the Railway Board not to increase the pace of their improvements and to consent to a reduction of 3 crores—3 or 4 crores,—on these heads.

**The Honourable Sir George Barnes:** May I, Sir, bring the House back to the motion. It is, that the Demand under head Railway—Working Expenses—No. 10, be reduced by 5 crores. The whole of this question lies in a nutshell. The Working Expenses are shown on page 2 of Appendix B under three heads—Ordinary Working Expenses, Fuel and Programme Revenue.

Expenditure. The Ordinary Working Expenses are practically the same as last year. Of the other two heads, Fuel and Programme Revenue Expenditure, Fuel was Rs. 5,93,00,000 last year; it has now increased in the estimate to Rs. 6,54,00,000. I think that there are a great many commercial Members in this House who know as well as we do that the price of coal has increased. That increase of 61 lakhs is due to the increase in the price of coal. Then the remaining item, Programme Revenue Expenditure, was Rs. 5,86,00,000 last year; this year it is Rs. 9,25,00,000, that is to say, an increase of Rs. 3,39,00,000.

Well, the plain fact is that during the war we got a much larger revenue from our Railways than we ought to have had because we were unable, owing to the scarcity of material, to make good the wear and tear on our railways. Now, I cannot imagine any expenditure which is more worth doing at the present time than putting our railways into proper order.

These two items, Sir, make up the largest part of the 5 crores by which the Honourable Member seeks to reduce the estimate, and the Programme Revenue Expenditure, I may say, is entirely to be devoted to putting our railways into better order than they are now. The two items account for 61 lakhs *plus* 339 lakhs, and curiously enough it comes to exactly 4 crores out of the 5, by which the Honourable Member seeks to reduce this Demand.

If there is to be another crore of reduction, it must come from somewhere. It must come either out of money which we should otherwise devote to putting our lines in order or it must come out of the wages paid to the men. Well, I think that everybody knows here as well as we do that wages have increased and have rightly increased in India. We have endeavoured to act, as good employers, to pay our men a proper wage but no more. There is no way that I can see by which we can reduce our estimated expenditure and do our duty by the railways.

**Mr. A. D. Pickford:** Sir, I should like to support every word which the Honourable Sir George Barnes has said. And, first, may I say a word with regard to what Mr. Latthe said in the absence of my friend, Sir Frank Carter. When Sir Frank Carter pleaded that the surpluses should not go into the general revenues of the country, I don't think that he meant that the profits were to be divided amongst the shareholders of the different Railways or any thing of that sort.

**Mr. A. B. Latthe:** I never said that.

**The Honourable the President:** Order, order. The Honourable Member should not interrupt.

**Mr. A. D. Pickford:** I think his meaning was perfectly clear. He knew, as everyone of us who is engaged in commerce knows by the most bitter experience, that the railways are in a most parlous condition,—not merely for what may be regarded as the selfish ends of commerce but that they are not even safe for passenger traffic. And I feel sure—the newspapers have been full of it at various times—I feel sure that Members of the Assembly must have read accounts of the greatly increased number of accidents on Indian railways with great disturbance of mind, and I should imagine that the representatives of the Railway Board will support my suggestion that this is due very largely to the condition in which the rolling stock now is. So far from reducing this

[ Mr. A. D. Pickford. ]

grant, I feel perfectly certain in my own mind—and I am sure that those engaged in commerce and industry will support me—that if by any chance double this sum could be found anywhere, India, in every possible branch of life, would benefit enormously within a period of not more than 5 or 6 years. Our railways in India are our very life-blood. There is not a single aspect of life, whether commercial, social, economic or any other, which is not immediately and intimately affected by facilities in communication, of which the most important must surely be our railway system. And I do not earnestly plead with those Members of this Assembly who are not in intimate relation with the working of railways—either from the point of view of running them or of using them—I do plead most earnestly with them to consider very carefully before they embark on a policy of retrenchment which will undoubtedly injure the country in a very large number of important ways.

**Mr. E. L. Price:** Sir, Mr. Latthe has supported the proposal for this reduction with a suggestion that it would be all right if the Railway Board would carry on as last year. I am sure, my Colleagues from Sind will hear that suggestion with horror. Sind is only a small part of the country, but we had one light railway, the Jacobabad-Kushmore Railway, *bund*, closed off the whole of last year for want of rolling stock. We also had the Hyderabad-Badin line closed for want of rails. If this is the Railway Board's idea of carrying on as far as Sind goes, well, it is not ours, Sir, because there was no carrying on at all in this particular direction for want of rolling stock and rails. And further it has been a constant subject of outcry in both the Sind and the Punjab that the North-Western Railway, sometimes for want of coal, sometimes for want of trucks, sometimes for want of locomotives, cannot cope with the traffic to and fro between the Punjab and Sind. It would be a disaster, Sir, for the Punjab and Sind, if the North-Western Railway and its auxiliaries carry on this year as they did last year.

**Mr. Harchandrai Vishindas:** Sir, I endorse each and every word that has fallen from Mr. Pickford and Mr. Price. I myself have been awaiting an opportunity and have been jumping up once or twice to make the same kind of appeal as Mr. Pickford has made. I will appeal to this Assembly to consider that by carrying this motion for reduction, they will be doing great harm to the country. I myself have been bursting with the subject. I wish there were more funds available so that we could have the Karachi-Delhi Railway for which we have been clamouring for years and years. As Mr. Pickford has said, by reducing the grant to the Railway Board you will be reducing the wealth of the country, you will be reducing the comforts of your countrymen and you will be injuring each and every department of life. Of course, looking to the difficulties of the Finance Department, I did not like to move for this demand being increased. It was my great desire to do so. I will simply repeat what Mr. Price has said, that we Sindhis, especially the poor people, feel the need of the Hyderabad-Badin Railway and the Jacobabad-Kushmore Railway very keenly. It is not merely the rich people that will be benefited by these railways. We, merchants, find our goods held up for days and days together for want of rolling stock. We suffer a great deal economically. I, therefore, repeat what has been said by Mr. Pickford and Mr. Price. Every word of it is true, and I would earnestly appeal to this Assembly in the interests of the country, in the interests of the people, and in the interests of the wealth of the country, not to allow this reduction.

**Mr. Wali Mohamed Hussanally :** Sir, I have only a few words to say in support of what Mr. Price and my friend, Mr. Vishindas, have said. But I would like to remark that the stopping of the Jacobabad-Kushmore Railway and the Hyderabad-Badin Railway is not due to any lack of funds. The rails of the Hyderabad-Badin Railway were removed to Mesopotamia some time ago, and as far as I have been able to ascertain, Government have not been able to procure new rails from England to replace those rails. That is the reason why the Hyderabad-Badin Railway has not been put into order once more. So far as the Jacobabad-Kushmore Railway is concerned, that is also due to a similar reason, *viz.*, Government have not been able to get locomotives in place of those removed to Mesopotamia or somewhere else. Therefore, there is no question of money. The question is one of Government not being able to get the materials from England. It has been pointed out just now that there was sufficient money available for the current year, but the Railway Board were not able to spend all the money for the simple reason that they have not been able to get out the materials from England which they are very badly in need of. Nobody denies here that the rolling stock and the railway lines all over India are in a very bad way, and they require replacement and that too immediately. Nobody denies that the railways are a comfort to the people of India in every way. But the point that was made out by my Honourable friend is, that any larger allotments made by this Assembly will probably not be spent during the year, and, therefore, the allotment should be cut down. If the Railway Board can assure us that they can spend all the money this year, I would certainly support the allotment being made.

**Mr. S. C. Shahani :** Sir, I appreciate very much the remarks that have fallen from my Honourable friends, Messrs. Pickford, Price and Vishindas. But, at the same time, I must point out that the point under consideration is the abnormal increase in the working expenses of the railways. If the working expenses go on increasing, less funds will be available for the improvement of railways and railway facilities. On this account I feel disposed once again to support what Mr. Raju has said. Although I am not in favour of a reduction, I am in favour of the working expenses being more rigidly supervised. I quite realise the necessity of more funds for the requisite improvements to be effected in the railways.

**Rao Bahadur T. Rangachariar :** Sir, I rather think that my friend, Mr. Venkatapatiraju, has misplaced his hand in thinking of this side of the reduction. I understand, this increase for this year is intended for improving the rolling stock and for improving the railway lines, and in that view, I think we ought to support these items. There is only one further remark which I wish to make. It was stated by a previous speaker, that there was difficulty in buying the materials in England. I saw it somewhere stated that scrapped up materials were available in France after the war and also in America. I do not see why this difficulty in getting materials from England should stand in the way of improvement of our railways. I do not know if the Railway Board are going in for buying materials from these places. If so, we can accelerate the speed at which both new construction and improvement of existing railways may be effected.

**Mr. B. S. Kamat :** Sir, I believe the question under discussion is to be looked at from two points of view, and I trust both my European friends in this Assembly as well as my Indian friends will devote a balanced attention to



[ Mr. B. S. Kamat.]

the question. It is perfectly true that we want better rolling stock and better permanent way. On the other hand, the railway is a commercial concern. It must be our duty to see that the working expenses are cut down as low as possible. Sir George Barnes, while explaining the position of Government on this point, made out one or two points particularly. He showed us by means of figures, that the excess of 4 crores was distributed thus, namely, 61 lakhs for increase in fuel, and 3 crores and 39 lakhs for increase in the programme of revenue. But I wish to point out to this Assembly, Sir, that the total increase proposed in the present year is  $13\frac{1}{2}$  crores; that is to say, an increase from Rs. 45 crores and odd in the last year to 58 crores and 50 lakhs in the current year. That is to say, he has to explain an increase of  $13\frac{1}{2}$  crores and not an increase of only 4 crores which he has done. Now, the fact of the matter is that under ordinary working expenses, that is to say, pay and other matters, the figures will show that the increase is going up from 38 crores to something like 45 crores—an increase of 7 crores chiefly I expect, for pay. For this statement of mine I have support in the speech made by the Honourable the Finance Minister on the 1st March in this Assembly. In paragraph 15 of his opening speech, while explaining the question of Railways, he has said thus :

‘It is the working expenses of railways, which have been increasing month by month, that have been mainly responsible for falsifying our estimate of net receipts; the bulk of this increase is due to increases of pay given to the railway staffs.’

It will thus be seen . . .

**The Honourable Mr. W. M. Hailey:** I regret that I must rise to a point of order, Sir. Here the Honourable Member is referring to a statement made by me. That statement of mine, Sir, referred to the increase from the revised Budget estimate for 1920-21 and not from the actuals of 1919-20. Therefore the increase I was referring to was the increase of four crores and not the increase of 13 crores.

**Mr. B. S. Kamat:** The point I am making is, that the increase of 13 crores is not entirely due to fuel and revenue programme but is also due to increase of pay. Now, I certainly admit that if prices are going up in the country, the pay of the staff must also be increased. But it is all a question of degree, and the point is, are we spending the increase on the permanent way and rolling stock as also on pay, proportionately? If we succumb to the clamour for more pay on the part of the staff, and spend an increasing sum on the pay and less on the rolling stock and the permanent way, then, I believe, we are not distributing our increase in working expenses properly.

I do admit, that there ought to be an increase in working expenses in the coming year, but surely, we must see that the staff is not clamouring for an inordinate amount of pay. I shall illustrate this point by taking one particular example, namely, the increase shown on the question of staff of the Great Indian Peninsula Railway, and, as I have some experience of that Railway, I would rather touch upon this point by way of illustration. If we take the figures for charges for General Superintendence, we shall find that this year we are told the increase will be from 76 lakhs to 99 lakhs (Page 66, Appendix B, Statement of Railways, Expenditure chargeable to Revenue in India). Comparing pay and

rolling stock, the increase for the improvement of pay and the general improvement of the staff is from 76 lakhs to 99 lakhs ; whereas the same railway wants an increase for improvement of the permanent way and the rolling stock from 259 lakhs to 300 lakhs. Looking to the importance of permanent way and the importance of rolling stock in such a big railway, as the Great Indian Peninsula, I believe that they are spending on rolling stock much less proportionately to what they propose spending for the improvement of the pay and prospects of their staff. What I contend, therefore, is, we certainly want to increase a little the working expenses of the coming year because prices have gone up; and we want an improvement in the rolling stock and the permanent way also; but, surely, we should not succumb to the clamour for increase in the pay of the staff to this extent. Knowing something of the Great Indian Peninsula Railway, I can take another illustration. Take the Engineering Department. I am sure, that if we look to the cadre of all the engineers, right from the resident engineer getting Rs. 450 a month to start with, to the Chief Engineer getting Rs. 3,000, I believe, that in the whole of that cadre there is not even 5 per cent. of the Indian element. The same applies to permanent way inspectors. A large proportion, a far overwhelming majority of the permanent way inspectors on the Great Indian Peninsula Railway consists not of the Indian element. If, therefore, on the grounds of economy consistently with efficiency, the Great Indian Peninsula Railway introduces a very large proportion, a decent ratio in their engineering staff, of Indian engineers, well-qualified from Indian colleges or from English colleges, I maintain, that they could reduce their bill for pay. Similarly, about the staff, in the Traffic Department and the staff in the Loco. Department as well. The truth is, that if we maintain a very large foreign agency unnecessarily for the railway, the question of their pay is bound to come up, and there comes up the extravagance of the whole system. If, on the other hand, out of 100 persons in the cadre, say, of the engineering branch, or the traffic branch, we have 50 per cent. Indians and 50 per cent. Europeans, 50 per cent. recruited in India and 50 per cent. in England, then, I believe, the total pay of the staff could be cut down. Then, the state of things which we find on almost all the railways,—namely, the staff being recruited to the extent of 75 per cent. and even perhaps 80 per cent.—in the traffic department, the engineering department, the loco. department, and the stores department, chiefly from England will be improved and the cost on the staff will be reduced. It is this method of Indianization which will reduce the working expenses, and if that is done we can support the motion before us. I, therefore, throw out a suggestion that the permanent way should be improved, the rolling stock should be improved, but the total pay bill for the staff should be cut down by introducing the Indian element.

**The Honourable Mr. W. M. Hailey :** Are we discussing the question whether some reduction or other should be made, or a reduction of 5 crores or 4 crores should be made? It is difficult for us to argue anything except the definite motion before us.

**Lieut.-Colonel H. A. J. Gidney :** Mr. President, as the representative of a community which, I think, I can truly say, forms the backbone of all the railways in India, I feel that I am entitled to speak with some authority on this matter, if for nothing else. The demand for reduction of 5 crores has been put to us in such a weak way that the strength of the Government lies in the weakness of this demand. It has met, and I think

[Lieut.-Colonel H. A. J. Gidney.]

very rightly, with universal condemnation, and I am glad to add my voice in support of all that has fallen from the Honourable Sir George Barnes. In no other department of the Government of India has the principle, efficiency *versus* economy, been tried as in the Railway. A remark has just been made which, I feel, I must answer, and that is, regarding the Great Indian Peninsula Railway. As that is one of the railways that I know a good deal about, and I feel that I can talk with some authority on it. The racial distinction that has been made is very unfortunate and undesirable in this House where we are all working for a common good. My community forms a very large percentage of the members of the Great Indian Peninsula Railway and when I am told by the Honourable Member who has introduced this unfortunate racial distinction that there is not a sufficient number of Indians in the engineering staff of the grade of Rs. 450 to Rs. 3,000 per mensem, I may tell him, that the same thing applies to my community for there is not a single Anglo-Indian employed to-day in this grade, but I am quite satisfied that that implies that equality of treatment spells equality of fitness. This department is open to all men who go to England and qualify by undergoing a proper engineering course. I understand, that the reduction of five crores should be made either by reducing the working expenses, that is, the working expenses of the railways as a whole, applying the word 'Expenses' generically or the pay of the staff, that is to say, the railway employees. Let me assure as also warn the House that the railway employees will not tolerate any reduction of their pay, on the contrary, with the increasing prices of food stuffs they may want more. The last five years in India have shown an enormous amount of railway unrest. In fact, during the last fortnight we have witnessed an attempt at a recrudescence and if we want to reduce the pay of all the railway employees we shall only court and invite dissatisfaction and be adding fuel to the fire of the daily increasing unrest in India which we are unfortunately witnessing all around us to-day.

**Mr. B. S. Kamat:** I never suggested reduction of pay.

**Lieut.-Colonel H. A. J. Gidney:** In other words, to put it briefly, I consider this demand as suicidal, and if the House passes it, we would be cutting our nose to spite our face. I, therefore, oppose the motion strongly.

**Dr. H. S. Gour:** I should not have thought that the Honourable and Gallant Colonel would in any way need any defence of his own community. If I understood the Honourable Mr. Kamat right, his point of view was that the railways in India, like all commercial concerns, should be worked on a computative basis and that the wages given to the railway employees should not differentiate between these employees on the basis of racial differences but be given solely on the ground of their efficiency. Now, is that the case? Has it been proved to the satisfaction of the Assembly that in the State railways and the state-managed railways of this country the employees are paid on a fair computative basis? The Honourable and Gallant Member has let the cat out of the bag by saying that he is watching the proceedings in defence of his own community. I ask the Railway Board whether the members of his community are not classed apart and paid higher wages for discharging the same duties for which Indians in this country are equally efficient but for which they are paid much lower wages? In other words, are not the scales for the remuneration of railway employees classed as Europeans and Anglo-Indians, and Indians, and are not the wages for doing the identical work different in the case of Europeans and Anglo-Indians, and

Indians in this country? The Honourable Mr. Kamat pleaded for equality of treatment. What he said was this. If you wish to work these on economical lines, pay the employee according to his merits. Don't pay him because he happens to belong to a particular community who has claims upon the Government for protection and preferential treatment, but pay him because he does particular work for which he is qualified. If the Railway Board was to follow this principle, I have not the slightest doubt that the working expenses in this country would be reduced to a minimum.

Now, Sir, it is a well known fact that the engine drivers and guards of all mail and passenger trains are members of the European or Anglo-Indian community, but it is an equally patent fact that the bulk of the travellers are Indians and we know the kind of service which these guards render to the Indian community. Pleas after pleas have been raised. Questions after questions have been put in the local Councils that the third class passengers, who form the backbone of the Indian railway administration, are neglected. Their comfort is not looked after. They are not even given that guidance which they have a right to expect in return for the fare. Nor, Sir, I submit, that if an European or Anglo-Indian Guard is paid in the neighbourhood of Rs. 300 a month, the Indian Guard would probably be paid little over Rs. 100 a month and there would be a saving on each head of Rs. 200 and the same may be said of the engineering staff and the headquarters station staff, that is to say, the staff in the first class and big stations, which are meant exclusively for Europeans and Anglo-Indians, and only Indian subordinates. Now, Sir, I beg to submit considerable economy could be effected by the Railway Board on the lines indicated by Mr. Kamat, but whether the economy effected would amount to as much as 5 crores of rupees is more than I can say, but at any rate it would certainly minimise the loss which the railway company suffers on account of the cost of the administration. I do not think, my friend, the Honourable and Gallant Colonel, had any quarrel on this principle. The principle is a fair field and no favour and it is upon that principle that the Honourable Mr. Kamat supported the amendment and it is upon this principle that I call upon the House to support him.

**Lieut.-Colonel H. A. J. Gidney :** May I rise to a point of order, Sir. I am afraid the Honourable Dr. Gour has either misunderstood me or I have misunderstood what the Honourable Mr. Kamat said. I wish to make my point quite clear and in doing so, I want to avoid any racial distinction which we should keep out of this House. As far as my own community is concerned, I am out for equality of treatment which spells equality of fitness. Mr. Kamat laid stress on the engineering grade of Rs. 450 to Rs. 3,000. What I meant to say was, as far as I know, on the Great Indian Peninsula, there was not one Anglo-Indian in this grade. My community is, therefore, suffering from the same disability as the Indians and this distinction, I think, should not have been made. The portal to this grade is the passing of an examination in England and it is open to all Indians alike. The question is, therefore, not one of favour to my community to the detriment of Indians.

**Dr. H. S. Gour :** I am glad to hear this expression of opinion from the Honourable and Gallant Colonel. He is also like myself for 'fair play and no favour'.

**Dr. Nand Lal :** Sir, the amount which we are asked to invest in an industry should be proportionate to the yield which that industry brings in. In some cases, as in the present one, it is not a question of grain alone,

[ Dr. Nand Lal. ]

but also the question of utility which should receive consideration. Here the question of usefulness forms a very essential element. So far as the railways are concerned, these two factors should be given prominence, first the gain, the monetary gain, and second the usefulness. The latter factor seems to be adequate but the former one appears to be small and I think this has been admitted by one of the Honourable official Members as well. Though the explanation which is given, *primâ facie*, seems to be correct, I may say at once that that explanation is not very convincing. The second point which we should consider very deeply is this. If the working of the railways could be done in a satisfactory way by the introduction of more Indian element, why should it not be done? Our object is to see our railways properly worked, but if we could work them successfully and economically by the introduction of a greater Indian element, why should it not be done? There is much force in what has been suggested by Mr. Kamat. The explanation, which has been advanced on behalf of Government that the railways want rolling stock and other things to make improvements, no doubt seems a good one. But, at the same time, we are sorry to say that so much expenditure cannot really receive our approbation unless and until some more cogent reasons are given. When we look into this list of expenses, we do not find any explanation. Of course on page 2 of the State Railways Appendix B, we find some explanation, but that explanation does not appear to be adequate at all. Therefore, my submission before the House is this, that the amount which is demanded appears to be much more than what it ought to be. Consequently I beg to support the motion which is now before this House.

**Mr. B. Venkatapatiraju:** My motion has created consternation in the minds of my Honourable friends who are the champions of commerce. I am as anxious as themselves for the improvement of railways, because I am not one of those who wants to kill the goose that lays the golden eggs. We are realising great profits from railways and I shall never take part in anything which will reduce the efficiency of such a useful source of revenue. I do not stand in the way of bringing out renewals or providing more wagons. That is not my point at all. All I respectfully ask is, and no explanation is offered, when we are spending several thousands of rupees upon a special Railway Board to look after the interests of railways, why the working expenses are increasing so largely from year to year and I shall request this Assembly to consider the proportionate working expenses for non-budget lines. In the non-budget lines, the proportion of expenditure is 55 per cent. because they are spending about 3 crores when they are realising 5 crores 44 lakhs. Merely because a line is a State line, are we to spend 67 per cent.? That is my objection. If it is impossible for the Government to carry on the necessary improvements with this sum, I do not stand in the way, because they have already provided elsewhere for a capital outlay of 15 crores. Do you mean to say that after spending 539 millions on railways we should stop short of spending 10 or 15 millions more, if necessary? I ask what is the explanation for this abnormal increase in working expenses. That is the sole ground on which I lay stress. It does not matter whether you reduce the amount by 5 crores, such as I propose, or by any other amount. That is not the point. I do not want to bring in the racial question because that is not my object here. Later on there will be time and occasion for me when I shall press for the Indianization of railway services.

I am not pressing this motion, but I expect the support of the Honourable Mr. Price as a business man in exerting his influence upon the Government to reduce unnecessary working expenses, in order to meet the other Budget claims. Why should our working expenses be increased to 67 per cent. of the gross income? I am only concerned with that proportion; I am not concerned with other matters. Therefore, if the Government is prepared to look into the matter and find out the dire necessity for this increase or the possibility of reducing this expenditure, I shall not press my amendment, otherwise, I shall be obliged to press it.

**Rai J. N. Majumdar Bahadur:** Sir, I rather think that we have missed the main point at issue. I am rather sorry that a note of racial prejudice has been sounded by more than one speaker in this House. It is not a question of racial jealousy or of racial sentiment. We all know that we are here, Indians, Anglo-Indians and Europeans, and we must pull on well with each other, without being jealous of each other. But the question is, whether we shall be able to spend the money that has been budgetted for this year. Past experience shows that we cannot spend so much money all in one year. So it is not, as my Honourable friend, Mr. Pickford, has said, of our being against railways or over their improvement. This is a misconception. We all know that railways play a very great part in what is called social reforms. They shorten distances; they are very convenient to us; they enable us to come to Delhi within 48 or 36 hours. That is all right. But that is not the question. The question is, whether we can afford to pay so much money in a year of deficit. We are going to raise additional loans, we are going to levy additional taxes, and all this in this very year we are going to spend a large amount of money which, I think, at the end of the year we shall find that the Department has not been able to spend. Although I have not been making budgets of large descriptions, I have been in the habit of making smaller budgets. We find sometimes that we budget for a certain amount and cannot spend the money, and, if you spend a large amount of money in a short time, you are sure to misspend it. We have to order all these things from England and I doubt whether they will be able to supply all our demands in the course of a single year, especially in times of trade depression. Therefore, I say, there is no question of racial jealousy, but the question is whether we shall be able to spend the whole amount which has been budgetted for this year. Past experience shows that we cannot spend such a large amount, and, therefore, although it may not be reduced by five or four crores, I think at least a considerable reduction is possible. Let us at least budget for an amount which we can spend this year and thereby save the people from further taxation on, say, postcards and other things which everybody will, I think, feel. At the same time I do not wish to take up the time of the House unnecessarily, but I appeal to all, officials and non-officials, Indians, Europeans and Anglo-Indians, that it is not a question of spending money on railways. I know that you must spend money on railways. They are necessary for many purposes, military, social, commercial and for other purposes, but we should always consider whether we can spend the whole amount this year.

**Mr. P. P. Ginwalla:** Sir, I find myself in rather an awkward position. I agree with much that has been said by my Honourable friend who moved the amendment and by those who have supported it, but I am compelled at the same time to vote against its acceptance. If I were satisfied that it was possible to reduce the working expenses in so far as they refer merely

[ Mr. P. P. Ginwalla. ]

to the management of the higher services I should have voted for the amendment. But it is impossible that anything can be done in the way of cutting down working expenditure in that direction. Supposing that you reduce the Budget by five crores of rupees, do you think that there will be any reduction in the higher services? The services will remain just where they are. What would suffer would be the repairs and the rolling stock and these are the last things that ought to suffer. It would be all right if we could, as has been suggested, immediately Indianise the higher services. But we cannot do that in a year. We must deal with the railway services in the same way as we are trying to deal with the Civil Service and other services, that is to say, take a certain percentage in each year and say that that will be Indianised by that percentage. But you cannot in one year, simply by cutting down five crores of rupees, attain that result. That is the reason, Sir, why this House should throw out this amendment. It will lead—by further deterioration of the rolling stock to accidents and it will lead by curtailing facilities for internal traffic to a rise in the cost of living—results which it ought to be the duty of this Assembly to avoid.

**Colonel W. D. Waghorn :** Sir, I should like to offer a few remarks in regard to my Honourable friend, Mr. Venkatapatiraju's suggestion. I can tell him that Government have very carefully considered for many years the possibility of keeping down the normal working expenses of railways and seeing that they shall not rise inordinately. It had, before the war, been found that they were slowly but surely rising year by year as a result of a larger number of railways coming into existence. As the age of these lines becomes greater, the renewals become heavier. That is a constantly increasing charge. The wages of the staff is also increasing, the provision of accommodation is increasing and the cost of materials is increasing. All these items go to make a constantly increasing charge in your normal working expenses. During the war, owing to shortage of materials, we could not replace and keep our revenue renewals up to what they ought to be and the consequence was our proportion under earnings increased. We did not get a chance of spending the money properly on keeping our stock in order. Now, after the war, we are trying to overtake the damage that has been caused to your property during those years of war in order to bring that property into a state of efficiency which everyone, I think, recognises, is very necessary. These we have thoroughly well looked into, and, therefore, I am afraid that any suggestion that we should do so would only lead to the same result that I am trying to explain to you. The increased expenditure which we now ask for these special revenue renewals are on account of these very items, locomotives, rolling stock and permanent-way which have run into bad repair during the years of the war. We were unable to spend that amount last year, unfortunately, because we could not get the stuff out from England owing to strikes and other causes, but I anticipate, and I sincerely hope it will be possible to get them out this year and that we shall be able to carry out this programme. These are the simple facts of the situation and I think, possibly, if my Honourable friend understands the situation now, he will be prepared to withdraw the amendment.

**Mr. B. Venkatapatiraju :** I withdraw the amendment.

**The Honourable the President :** The question is, that the amendment be withdrawn.

The amendment\* was, by leave of the Assembly, withdrawn.

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock. The Honourable the President was in the Chair.

#### WORKING EXPENSES.

**Mr. A. B. Latthe :** I submit, Sir, that my motion may be taken first—I am not prepared to withdraw it about the reduction of working expenses by 4 crores. That has not been put yet.

**The Honourable the President :** The Honourable Member, I see, wishes to move his Resolution that the working expenses be reduced by 4 crores. I took it that his motion was really covered by the earlier motion to reduce Working Expenses by 5 crores.

**Mr. A. B. Latthe :** I was not prepared to withdraw my motion.

**The Honourable the President :** I gave the Honourable Member a full opportunity of speaking on the earlier motion.

**Mr. A. B. Latthe :** That is quite true, but I did not intend to withdraw the Resolution.

Sir, I move :

‘That the Demand under head Railway—Working Expenses—(page 56) be reduced by 4 crores.’

The Assembly has already had a discussion on this subject and I do not wish to touch on the points which have been already discussed; but I wish to point out to the House the grounds on which I base this motion. In the discussion that we had a few minutes back, the question was raised whether more economy could not be effected by Indianising the railway service. Those Members of the House who heard what I said on the motion which was being discussed then might remember that I did not claim that the reduction was justifiable on this ground, for various reasons. Of course I quite agree with the contention of Mr. Kamat and others who said that certain economies could be effected by Indianising the service, and so far as may be possible that remedy should be applied. But in the present case the proposal which we have to discuss is not whether the railway service should be Indianised. The question is whether we are justified in claiming a reduction under the particular head of Working Expenses. As I showed last year—or rather in the year which is about to close,—8 crores were budgetted for the purpose of what is called the programme of revenue expenditure. Now out of those 8 crores, 5 crores only were spent, so that about 3 crores remained unspent during the current year. What is proposed for next year is that some thing like 9 crores should be spent under this head. I submit that it is not absolutely necessary that we should sanction the whole amount of 9 crores under this head. My reason is in the first place that efficient management would require that expenditure on account of renewals should not be undertaken on a very large scale. But supposing for a moment, for the sake of argument, that it is just possible to spend the whole amount in a proper way, I would still submit to the House to consider the circumstances under which we are discussing this Budget. I quite agree that the Railway Board will make the

\* Vide page 866 of these Debates.



[Mr. A. B. Latthe.]

*best use of the whole of the money.* I further admit that the Railway Department does require a great deal of expenditure on account of renewals on permanent-ways and so forth. I do not dispute these points at all. But what I urge is that, during the coming year, it may be quite possible to meet the urgent necessities of the case by spending 5 crores or  $4\frac{1}{2}$  crores instead of the whole amount of 9 crores that has been asked for; and if the House accepts this contention, that the whole amount is not absolutely necessary—although of course it may be very usefully spent; and if the House agrees with me in holding that the urgent necessities of the case may be met by the expenditure of 4 or 5 crores—well, I think that the conclusion which should be arrived at is that this amount should be reduced.

In the course of the debates which we had, my Honourable friends, Mr. Harchandrai and Mr. Price and other gentlemen from Sind  
3 P. M. seemed to complain that the railway administration in that province had been very much neglected and that a large expenditure was necessary. I do not at all dispute that fact. It may be quite possible that the railway administration had been neglected there very much, and that there is great need of rolling stock and so forth. I do not know anything personally, but it is just possible; and I wish to bring to the attention of the Honourable gentlemen that even after this reduction, a sum of 5 crores still remains and I would not complain and the House will not complain if the first claim upon this sum of 5 crores would be that of Sind.

I shall point out another fact to the House which is this. So far as the provision of fresh rolling stock is concerned, for which, of course, the commercial interests are very anxious, a sum of Rs. 9,67,00,000 has been provided for under the capital head for rolling stock to be purchased and to be supplied to the open lines and also a sum of Rs. 48 lakhs has been reserved for the open lines; that is to say, nearly Rs. 10 crores under capital expenditure head, with which we are not concerned at all and which I do not seek to reduce is available for this supply of fresh rolling stock. So it will be quite clear to the House that the reduction which I propose will not come in the way of supplying wagons and other things which are so necessary for our commercial development.

In conclusion, I would remind the House that if we ask the Railway Department to curtail their programme to a certain extent this year that does not mean that we look upon the needs of the railway department with disfavour in any way. What we mean is that in the present year of very large financial deficit, a deficit such as we have not experienced in the course of the history of Indian finance, I think it will not be very unwise on our part to ask the Government to reduce the expenses under this head to a certain extent, so that the most urgent necessities might be met and the less urgent necessities might be considered in the next year. With these remarks, Sir, I move the motion which stands in my name.

**Colonel W. D. Waghorn:** Sir, with a very few remarks I think I can dispose of most of Mr. Latthe's objections. I have already pointed out, and I think the House generally accepts it, that we are in a very bad state as regards the maintenance and up-keep of our stock. It is replacements, not new stock, that we are thinking of in the estimates now under consideration. That stock has run down into a very bad state of repair; and if we put off repairs as I understand Mr. Latthe suggests, we shall find our stock in such a

state that it will not run at all. I do not know how we shall carry traffic then; the new stock will not be arriving till late in the year and we shall find things in a very serious condition. Moreover, as regards the possibility of curtailing this expenditure which is proposed for the current year for ordinary renewals, material has already been ordered during the current year and will be arriving shortly, and will therefore be available at once. To replace our stock and put it in good running repair we shall require all this money, and I do not anticipate that there will be the least difficulty in spending the money, both economically and for the good of your railways. It is of no use trying to put that off. I therefore think it would be a mistake to ask the House in any way to postpone this very urgent work.

**Mr. Wali Mohamed Hussanally:** May I inquire from the President of the Railway Board what is the amount and value of the materials already ordered which he expects to arrive next year?

**Colonel W. D. Waghorn:** I am afraid I cannot give those figures off-hand.

**The Honourable Sir George Barnes:** Sir, I desire to appeal to the Honourable Member to withdraw this motion. We had all this question threshed out very thoroughly this morning, and I fear that what I said must have been very unintelligible, for it does not seem to have gone very far. I would like to repeat again what I said then. The greater part of the increase is not real working expenses at all; it is money which must be spent in order to make good depreciation which ought to have been made good before, but which we were unable to make good during the war. I can only say that I regret that the amount to be spent on making good this depreciation is only 3 crores. Nobody regrets that more than I do, for I know that it is not enough. Both I and my Honourable friend, the Finance Minister, believe that it ought to be a great deal more, but unfortunately in our present circumstances we cannot find the money. I do ask that this motion be withdrawn, or rejected if the Assembly prefer; but I appeal first to the Honourable Member to withdraw it.

**The Honourable the President:** The question is:

'That the Demand under head 'Railway—Working Expenses' (page 56) be reduced by 4 crores.'

The motion was negatived.

#### MISCELLANEOUS EXPENDITURE.

**Sir P. S. Sivaswamy Aiyer:** Sir, the proposition which I beg to move is this:

'That the provision under head 'Miscellaneous expenditure' (page 56) be reduced by Rs. 8,30,000.'

This is exactly the cost of the Railway Board. I trust that this Resolution will not excite the horror nor even the alarm of my mercantile friends in this House. I have no intention of laying hands upon the funds devoted to the expansion of railways or the improvement of existing railways. My object in bringing forward this motion is to voice the general feeling of dissatisfaction that has been felt with regard to the Railway Board and the general conviction of its inutility. Sir, so far as I can speak for the Presidency of Madras, we seldom remember to have seen the Railway Board do us any good turn. I will not go to the length of saying that they have

[ Sir P. S. Sivaswamy Aiyer. ]

never done us a good turn. I do remember that on one occasion or so they rejected a contention of the South Indian Railway Company that some proposals of a district board went in the direction of short circuiting their line; but taking their work as a whole I am not aware that they have done anything to advance railway construction in the Madras Presidency. I am inclined to believe that the interests of railway construction would have been quite as safe without a railway board as they have been with a railway board; nor has there been any improvement in the condition of the railways in rolling stock and so on. Of course I know that it will be pleaded that the last seven years or at any rate that the five or six years of the war were a period of great financial stringency, a period when it was impossible to obtain railway materials, and therefore that the Railway Board ought not to be held responsible for this disgraceful condition of the rolling stock of our railways. But I do not remember that the condition of our railways or of our rolling stock was very much superior even before the war. I think we always had ground to complain of the way in which our railways were provided with rolling stock, of the way in which our railways were managed, and of the way in which the grievances of passengers were attended to. Nor do I believe that they have ever attended to the grievances of the mercantile community that the rates of carriage for internal trade have not been properly devised. We have found that the railway companies have been allowed to make arrangements with the B. I. Company which have had the effect of compelling people to take their goods by a longer route to Dhanushkoti for the purpose of paying higher rates to the railway companies and for the purpose also of securing profits to the B. I. Company. I am sure that complaints of this nature with regard to rates of freight are quite common in the other Presidencies also. There is a feeling on the part of the Indian community at any rate, that the rates are so devised that they encourage external trade rather than internal trade. How far that is well founded I am not in a position to say, but one thing I can say that I have seldom found any one who has had a good word to say on behalf of the Railway Board. I believe that a more useless and obsolete body does not exist. I am not convinced that it has accelerated the construction of the railways.

Now, Sir, I have given expression to the feeling, and I would say the conviction, of the people who are affected by the management of the Railways, but I would not ask you to accept my statement. I would ask you to refer to the evidence of the Railway Board itself before the Railway Committee. A few days ago I was reading the evidence in cross-examination of Mr. Tomkins, the Joint Secretary to the Railway Board. Now I will briefly tell the Assembly what he has deposed. They have no experts to deal with large questions of policy, large policies operations or large projects. In the statistical branch they arrange the figures received from the railway companies without comparison, without alteration. The whole of this branch admittedly requires recasting. Nor are they up-to-date, even in their knowledge. Their library consists of old, out-of-date publications. Nor do they disseminate knowledge; they do not circulate any technical journals to the railway officers concerned. Well, do they publish any information for the benefit of the public? They do not prepare and publish any list of rates for the carriage of goods or any comparative statements to enable the public to judge of the efficiency of the railway lines. Well, how are they treating public complaints? They simply go on in the usual bureaucratic style

by referring the matter to the railway companies themselves. What can be the result of it? We understand now why our complaints are so little cared for by the railway companies. This question of the callousness of the railway companies to the needs of the passengers, and to the needs of traffic, has often been pressed upon the Local Government, and they have felt impotent to deal with them because they have no control over the railway companies. The Local Government always used to tell the local Council that they have no control over the railway companies; that it is an Imperial question, and is a matter for the Railway Board and it is not for them and so on. I understand from my learned friend Mr. Rangachariar that the Government of Madras did not promise anything substantial, but they have promised to forward the representations to the Government of India. The Government of India in turn forwards them to the Railway Board; the Railway Board in turn forwards them to the Railway Companies, and what the Railway Companies do with them, we know by the results. It is no wonder that under those circumstances the railway companies are absolutely callous to all complaints.

Now, Sir, under those circumstances, seeing that the public have not got a good word to say for this Railway Board, and even the Joint Secretary has made such damnatory admissions, I ask you, is there any reason for prolonging their existence? Of course, I shall be told that the whole matter is pending before the Railway Committee and that it will come up for decision when the Railway Committee sends up its report. I may admit that I have no murderous intentions towards the Railway Board, but if any words or remarks of mine will hasten their demise I for one will not shed a tear over it.

**Mr. A. D. Pickford :** Sir, I think that the speech which the Honourable Mover of this amendment has just made must inevitably come within the class known as destructive. I think also that there will be few people who have had dealings with the Railway Board, who will not walk with him to some extent. I suppose there are few bodies among the heavily cursed bodies in this country more cursed than the members of the Railway Board. But it is surely a question as to whether any other body standing in their position is likely to fare any better, and one very noteworthy thing about the speech of the Honourable Sir Sivaswamy Iyer is that he has made no suggestion of any sort for providing a substitute for this 'obsolete body.' If it were in order, Sir, I would almost be disposed to suggest that the standing orders shall be suspended in order to allow Sir Sivaswamy Iyer to supply that omission, and it is important because, whatever the shortcomings of the Railway Board may be, it is perfectly certain that some body of that description is needed. We must in this country, under the somewhat artificial conditions under which the railway administration is carried on, have some system by which working can be co-ordinated and controlled and the advantages possessed by plains' lines not being exploited to the destruction of a hills' line.—I allude to the old controversy as between the East Indian Railway and the Great Indian Peninsula Railway. I think, therefore, that it is due to this Assembly that, if it is suggested that the Railway Board should be abolished, we should have some concrete suggestion before us for somebody to take its place. It is also noteworthy, I think, in the speech of the Honourable Mover that the sins of omission with which he confronted the Railway Board were chiefly sins of omission which could only be made good, not by cutting down the estimates by Rs. 8,30,000, but by adding considerably to it in order to enable the

[ Mr. A. D. Pickford. ]

Railway Board to provide the general public with that information which he tells us is at the moment withheld. Sir, I oppose the motion.

**Colonel W. D. Waghorn:** Sir, it is in a spirit of apology that I get up to reply to this motion. I have not long been a Member of the Board and I daresay I have also found fault hitherto with its numerous delinquencies.

The Board is a hard and over-worked body. We have represented to the Railway Committee that—

‘The Board as constituted is certainly for existing conditions too small for the work to be done. The Members are practically tied to headquarters and have insufficient opportunity to visit the different administrations. We would lay very great stress on this point which, in our opinion, is of the first importance if co-ordinated effort in administration is to be secured.’

The Honourable Member who moved this motion has laid stress on the state of affairs, more especially, I understand, in connection with the Railway systems in Madras. I may here express Government's deep regret at again hearing a voice from Madras. Bearing in mind the state of affairs in that Presidency, the Madras and Southern Mahratta Railway and the South Indian Railway, which are the two systems concerned, have not, as far as I am aware, received other than normal treatment at the hands of the Government of India, and the Honourable Member may rest assured that every effort is being made to bring the works and stock on those lines up to date as in other parts of the country. I cannot help feeling, however, that behind this Resolution stands a somewhat parochial view of the Railway administration. The Madras Presidency has, I think, for many years past hankered after a larger control of Railway matters. For very good causes, both financial and administrative, I need hardly say that this is impossible. Any representations made—for which there is found to be a good cause—will, I know, always receive the careful consideration of the Government of India and of the Railway Companies concerned. I think, however, that the possible general backwardness of these two systems is rather more peculiar to their surroundings than to the fact that they have in any respect received a differential treatment.

The Honourable Member appears to have been somewhat confused as to what the nature of the Board's duties is. The Board's duties are to act on behalf of the Government of India in all matters connected with the administration and extension of Railway systems in this country. These duties involve their constant endeavour to ascertain where economically profitable new lines are likely to be required; to consider possible means for financing them under the control, of course, of my Honourable friend, the Finance Member; to ensure that the maintenance and working of our existing systems throughout the country are maintained at consistently high level; and that a uniform and steady policy of advancement is maintained. On these broad lines alone, I think the Honourable Members of this Assembly will gather that the Board are fully occupied in carrying out their duties as efficiently as possible. In fact, as I have already stated, owing to pressure of work and shortage of Members, we have not during the last year been able to undertake as much inspection as we consider advisable.

I hardly think that the Honourable Member wishes me to justify in detail the remarks as regards the interior organisation of the Board's office.

but that is as, pointed out by my friend Mr. Pickford, a matter for further funds. If they grant us additional funds we shall no doubt be able to improve matters. As things stand at present, we are handicapped all round by matters financial.

I am inclined to think, myself, that my Honourable friend Sir Sivaswamy Aiyer has not intended this Resolution very seriously, and I trust that this Assembly will treat it accordingly.

I mention again, as every one knows, that the question of the efficient method of administration of Railways in India is at present the subject of consideration by an expert Committee consisting of railwaymen, financial and commercial experts and representatives of the Indian commercial and other communities. I think we may safely leave this matter in their hands where I feel satisfied that it will receive the most adequate and serious attention.

If Sir P. Sivaswamy Aiyer has any proposal to put forward as regards replacing the existing Railway Board I for one should be very glad to help him.

**The Honourable the President:** The question is:

‘That the provision under head Miscellaneous expenditure (page 56) be reduced by Rs. 8,30,000’.

The motion was negatived.

#### SURPLUS PROFITS.

**Bhai Man Singh:** Sir, I beg to move:

‘That the provision of Rs. 1,32,00,000 for surplus profits paid to companies (page 56) be reduced to Rs. 66,00,000’.

There are railways which are run by the State and according to the contracts of many of them Government can give them six months’ notice and can then take over charge of those railways. If the Government took over charge of these railways, it would mean a saving of Rs. 1,32,00,000 per year, so that if at the beginning of the year upon which we are about to enter, Government would give notice to those railways it would mean a saving of 66,00,000 in this Budget.

I know that a Committee has investigated the matter as to whether the railways should be run by the State or the Companies, but just now I would point out that we are faced with a very great financial difficulty. I would ask—are we to control our demands and our funds? The Committee is not expected to look at the question from the point of view of the tax-payer, but we here have to see how far it is possible to tax the country. I believe that most of the Indian witnesses before the Committee gave their opinions in favour of the State taking over charge. If that charge is taken over then I submit that Rs. 1,32,00,000 can be saved. And that is not the only saving. If the State took over charge of these railways which are run by the companies, we could amalgamate many other small railways with bigger railways, and that would mean an additional saving of 50 lakhs or so every year.

The North Western Railway which is run by the State has a mileage of 5,321. Its monthly expenditure on officers—I mean Superintendents—only comes up to about Rs. 40,000. If we compare this figure with the total similar

[ Bhai Man Singh.]

expenditure on the Eastern Bengal Railway, the Assam Bengal Railway, and the Oudh and Rohilkhand Railway—the mileage of all these three being 1,738 miles, 1,200 miles and 1,541 miles, respectively—the total would come to well nigh that of the North Western Railway. But the expenditure on Superintendents alone comes to about Rs. 30,000, 16,000 and 28,000, respectively. Taking all these facts into consideration, you can see that, if we could amalgamate some of the Railways after taking over charge of them from Companies, that would mean another saving of so much money in later years. I know, of course, there would be difficulties in adopting this proposal at once, but looking to the special financial circumstances I would urge that the amendment may be adopted.

**Colonel W. D. Waghorn:** I think it will be a comparatively simple matter to dispose of the Honourable Member's amendment. These surpluses as paid to companies are in the nature of liabilities. They are under guarantee and they have to be paid. What I understand the Honourable Member to propose is that these figures shall be divided by two. That is a very nice way of getting out of our liabilities, but I do not see how it is possible to consider this proposition. We have got to pay these liabilities. They are based on the gross earnings. If he will turn to page 129 of Appendix B, he will see that the actual gross surplus profits paid in 1919-20 were Rs. 2,00,92,000. Now the revised estimate for 1920-21 was Rs. 1,68,00,000, and, owing to decreased earnings for 1921-22, it is Rs. 1,32,00,000. But we shall be in a parlous state if we are going to assume that our liabilities on account of these payments are only to be 66 lakhs. I do not know whether I have made this point quite clear, but as these liabilities are incurred under the terms of the contract, we cannot divide these figures by two.

**Mr. W. M. Hussanally:** There is one point I would like the Honourable Mover of this motion to clear up. I understand these profits are to be made over to companies of railways which are working under certain contracts to run for a certain fixed time. Does the Honourable Member mean that these contracts should be broken up at once and these payments stopped? I think that would be impossible under the Contract rules.

**Bhai Man Singh:** What I really mean is that under the Contract rules Government or the State is at liberty to give six months' notice to the companies. Sir, the State has the right to take charge of the railways after six months' notice.

**The Honourable the President:** If the Honourable Member wishes to give notice of the desirability of terminating the contracts between the Government of India and certain Railways, he can of course do so, but not by a reduction in the sums to be voted for the administration of Railways in India in the current year.

**Bhai Man Singh:** I withdraw my motion, Sir.

The motion was, by leave of the Assembly, withdrawn.

**The Honourable the President:** The question is :

'That a sum not exceeding Rs. 61,68,61,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending 31st March 1922 in respect of Railways'.

The motion was adopted.

**Sir Sydney Crookshank:** Sir, I beg to move :

‘That a sum not exceeding Rs. 2,69,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922, for ‘Irrigation and Waterways’.

**Rai J. N. Majumdar Bahadur:** Sir, I beg to take this opportunity of directing the attention of the Government to its present Irrigation policy. My motion is :

‘That the Demand under head Irrigation and Waterways be reduced by Rs. 25,000’, and I have brought it in order to discuss it in this House and to draw the attention of the Government to its present Irrigation policy. At the outset I may at once assure the Honourable Members on the side of Government that I am not against irrigation. But my point is that irrigation may be carried on to a point where it will do more injury than good to the country. We all know that high lands require irrigation, and that the cultivator should not be made absolutely dependent on the monsoon or rather the vagaries of the monsoon, and that the State should come to the rescue by irrigating his lands. All this is very good, and I think every one will approve of the good intentions of Government in coming to the rescue of the helpless cultivator. But it seems that the Government has not considered this matter from different points of view. It may be said, Sir, on the Government side that this irrigation branch has been transferred to Local Governments, that they are no longer Imperial subjects and that the matter is for the discussion of the Local Governments themselves. But I should say that the irrigation policy of the Government of India is being still followed by the Local Governments. The policy has been theirs, and the recent transfer of the Irrigation Department to the Local Governments does not absolve the Government from the policy it has been following in this country. The transfer also has been only of a very recent date.

Confining my attention, Sir, to the two magnificent and majestic rivers, the Ganges and the Jumna, of Northern India, I would ask this House to have a look at the Ganges first at Hardwar and then at Narourra. There you will find that the Ganges is trying to free herself, as if some living thing is trying to free itself from the bondage. It is very good to bring water to the fields of the cultivators . . . .

**The Honourable Mr. W. M. Hailey:** Sir, may I rise to a point of order and ask your ruling? The present motion relates entirely to the expenditure on irrigation and waterways under the direct control of the Government of India. The Honourable Member is referring not to Central but purely to Provincial expenditure, and I desire to ask your ruling whether the discussion can range beyond the head of grant to which the demand relates?

**The Honourable the President:** In so far as the Honourable Member is referring to questions not within the control of the Governor General in Council, he is not in order in discussing it here.

**Rai J. N. Majumdar Bahadur:** I submit to the ruling of the Chair, and therefore, I shall not refer to the deplorable condition to which the Ganges and the Jumna have been reduced by the irrigation policy of the Government of India. I submit, again, to the ruling of the Chair, and I shall not ask this House to pay a visit to the river Jumna below this Imperial city and look at its deplorable condition. I say, if the Government



[ Rai J. N. Majumdar Bahadur. ]

of India simply through a technical ground tries to shirk this question which has been agitating the minds of the people of northern India, both Hindus and Mussalmans, for a long time, I do not think it will act wisely and that Nemesis will come upon it some time or other . . . . .

**Dr. H. S. Gour :** I rise to a point of order. Is the Honourable Member justified in his still reiterating a subject which the Chair has ruled out of order ?

**Rai J. N. Majumdar Bahadur :** I have already submitted to the ruling of the Chair. What I submit is this, Sir, I will banish from my eyes the condition of the Ganges and the Jumna. But what is the irrigation policy of the Government of India ? It asks for Rs. 2,69,000. Has the Government of India any policy of its own ? How does it want to irrigate ? We know that irrigation can be made by wells, tanks and canals. We know that. But my object in bringing this question before the House is that irrigation is good and should be followed where you can do it without spoiling your rivers, but if you do not do that and say that you want to do good, the evil that will follow will be of a far larger dimension than what you would be able to do in the shape of good . . . . .

**The Honourable Mr. W. M. Hailey :** I again rise to a point of order. The discussion is going far beyond the demand for grant. There is not, in all the area under the direct control of the Central Government, (to which of course this demand for grant refers) a single river used for irrigation within that area.

**The Honourable the President :** As the Honourable Member is aware of the ruling which I made, I hope he will pay strict adherence to it.

**Rai J. N. Majumdar Bahadur :** Please excuse me as I have not been able to follow.

**The Honourable the President :** The Honourable Member takes a good deal of licence. He ought to take some trouble to pay attention to what is said from the Chair. I ask him to pay strict adherence to the ruling which I made two minutes ago.

**Rai J. N. Majumdar Bahadur :** I shall submit to it more strictly this time, Sir. In the first instance, we find that 'for charges in connection with various works in Baluchistan' Rs. 27,500 are to be voted. We do not know what those charges are, whether in respect of wells, tanks, or any irrigation canals. Tanks, wells, or irrigation canals, I submit, Sir, that this ought to be expressly mentioned, because we know that there is a great deal of difference between tank irrigation, well irrigation and canal irrigation. Therefore, the charge for the various works in Baluchistan seems to be very vague.

We should not allow any water to be taken away from the rivers if we can afford to irrigate the lands by digging tanks and wells, because by irrigating our lands from rivers, we destroy the rivers, and the rivers as this House knows and every Honourable Member on the side of Government knows are the natural highways of India . . . . .

**The Honourable the President :** The Honourable Member is straying in the land of the forbidden rivers again.

**Rai J. N. Majumdar Bahadur :** I solicit a ruling from the Chair whether I am not entitled to discuss whether the irrigation should be from wells or tanks or rivers, and whether I am not entitled to discuss the relative merits of tank, well and river irrigation ?

**The Honourable Mr. W. M. Hailey:** May I point out, Sir, that the expenditure to which this head of demand refers does not embrace a single item of irrigation from a river at all; and I put it that it is spending the time of the House improperly to discuss irrigation from rivers on a demand which does not actually contemplate irrigation of that type.

**The Honourable the President:** Does the Honourable Member wish to withdraw his motion?

**Rai J. N. Majumdar Bahadur:** Yes.

**The Honourable the President:** The question is, that leave be given to withdraw the amendment.\*

The amendment was, by leave of the Assembly, withdrawn.

**The Honourable the President:** The question is:

‘That a sum not exceeding Rs. 2,69,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of Irrigation and Waterways.’

The motion was adopted.

**Mr. C. A. Innes:** I beg to move:

‘That a sum not exceeding Rs. 10,78,02,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 for Posts and Telegraphs.’

**Mr. B. Venkatapatiraju:** Sir, I crave the indulgence of the Assembly to moving another amendment:

‘That the provision of Rs. 8,38,82,000 be reduced by one crore.’

Now, Sir, I can expect the support of some of the Government members when I quote the authority of the Honourable Mr. Hailey, our Finance Minister, for the proposition which I wish to bring forward in this connection, because in his speech on Finance he himself admitted three facts which sufficiently enable us to come to one conclusion in the matter of revising this high rate of working expenditure. He says:

‘It has not hitherto been easy to say precisely what we are making or losing over the administration of our post offices, as our general accounts do not show as debits or credits to the Post Office certain items of expenditure and revenue which, if the accounts were kept on a strictly commercial basis, would appear therein.’

He further says:

‘Unless the charges we make to the public for postal services are raised, the Postal Department will be running at an appreciable loss.’

And he says:

‘The net result of the above measures of enhancing the rates will probably be an increased revenue of 2½ crores.’

It comes to this, Sir, that, though it is a commercial concern, our Finance Minister admits that it is not possible for Government to say whether it was running on profitable lines or otherwise. But he admits this fact that, unless we make another 2½ crores by increasing our postal rates, we may not be able to run it profitably. Therefore, whether the Members are prepared to accede to the wish of the Government to increase the postal rates or otherwise would come on another occasion for us to discuss, but on the present occasion we have to see whether the present rate of increase in working expenses is justified, or whether we should put a stop to them. You will find from the figures given by the Government that in the year 1917-18 the working expenses were only

[ Mr. B. Venkatapatiraju.]

473 lakhs. Now they ask us to spend nearly double, *viz.*, 849 lakhs. Within five years or less they want to increase it by double the amount. With reference to this increase, they may point out 'Oh! we are not increasing it much this year, we are only increasing it by 56 lakhs from the revised budget.' I go further and say the revised budget exceeds the budget of 1920-21 by a crore and 39 lakhs. Therefore, we are asked to pay nearly two crores over the previous year's figures. When they were spending in 1919-20 598 lakhs, they proposed in the budget last year 655 lakhs and in this year's budget 793 lakhs and now they want 849 lakhs. Perhaps Members of the Assembly are aware that there are loud complaints with reference to the Postal and Telegraph Department, and we find often that from persons from whom we receive the minimum of labour we always expect the maximum of complaints, because they have nothing else to do. After receiving such a large amount, perhaps they may grumble and next year they may come up with another proposal to increase the pay by another 50 lakhs. But so long as we have to pay such a large amount, when it is not a profitable concern, when we are not making a good all-round amount, I earnestly appeal to the Government that they should carefully look into the question of working expenses; they should try their best how to reduce this proportion of working expenses to the income that is realised. We were told by the Finance Minister that the income under revenue which you are realising is growing gradually less. When you are spending a large amount on working expenses, it must necessarily grow less. Therefore, it is the duty of this Department, if it is to be run on business lines, to look very carefully into their working expenses and reduce them so as to leave a margin of profit instead of increasing them and imposing a burden on the general tax-payer to the extent which has been suggested.

**The Honourable the President:** The question is :

'That the provision of Rs. 8,38,82,000 for working expenses—Posts and Telegraphs—be reduced by one crore.'

**Mr. C. A. Innes:** Sir, may I begin my reply to Mr. Venkatapatiraju by telling the House a short story. It happens to be a true story. Some years ago when I was a care-free district officer—I was Collector of a district in Malabar—one night one of our forest elephants joined up with a herd of wild elephants. Its mahout seized a gun and tracked and followed the herd and at imminent risk to his life kept in touch with that herd day after day. On the third day something frightened the herd and it charged on the bushes where the mahout was lying. In self-defence the mahout had to fire into the brown. Sir, he killed his own elephant. Now, Sir, may I compare Mr. Venkatapatiraju's motives to firing into the brown? I am quite sure the House will not accept this motion which is a very ill-advised one, but if it does, he will have succeeded in killing not one Government elephant but many elephants and he will have done irreparable harm.

I have not been able to make out from his speech precisely what he objects to. As far as I can see, he takes general objection to our increased budget expenditure. Now there are two causes for that increase. One is the enormous expansion of the department. Every year the facilities offered by it become more and more popular and the volume of business grows. In 1919-20, for instance, we dealt with more than 100 million more messages than in the previous year. Now, more messages mean more business. More business requires more staff to deal with it, otherwise it is the public that is going to be inconvenienced. The second cause is one which must be

appreciated by everyone in this House,—I mean the increase in the cost of living generally. It seems to me to be useless to complain of this increase, over which we have no power. Mr. Venkatapatiraju is to-day a sort of reincarnation of King Canute. We know how King Canute sat on the sea-shore and bade the waves keep back. Similarly, to-day Mr. Venkatapatiraju expects that the economic forces which cause the rise and fall of prices and affect the purchasing power of money will obey his will. But I am afraid they will not do so. Money cannot buy to-day what it did before. The cost of every thing has gone up, and we have been compelled to raise the wages of our staff. Surely Mr. Venkatapatiraju has heard that last year, at the instance of the Imperial Legislative Council—mind you,—we appointed a special committee to inquire into the postal services. That Committee made certain recommendations, and it cost Rs. 11,13,000 to carry out those recommendations. That is one of the main causes of the increase in our budget this year. We accepted the Committee's proposals and we have made lump provisions for those proposals. I am sure the House will not take any exception to those lump provisions after the promise which the Honourable Mr. Hailey gave, namely, that the claims which are to be met from these lump provisions will be referred, as far as possible, to the Standing Finance Committee.

If, Sir, this House accepts this Resolution and cuts down the provision for the working expenses of the Postal and Telegraph Department, I am perfectly sure that it will be doing a most unwise, a most unbusiness like and a most uneconomical thing. It will be killing the goose that lays the golden eggs. We make a large revenue out of the Post and Telegraph Department; but we cannot hope to go on making that revenue unless we put money in the department. Every business man in this House will tell you that that is the correct procedure to take. You cannot expect to make any profit unless you put money into your business. Now, if the House accepts this motion, our Budget must be cut down in some way to the extent of one crore; either we must cut down our staff, or reduce their pay; or we must cut down the provision for the maintenance of our telegraph lines or or we must effect some other saving. I ask the House is that a wise thing to do? Everybody knows that our telegraph lines are now congested, through the reduction of men and the difficulty of obtaining material during the war, and everybody knows that we ought to be building up the Telegraph Department now. But we are not going to build it up by cutting down the provision for working expenses. Mr. Venkatapatiraju made one remark which rather attracted me in his speech. He referred to certain complaints that are made against the Postal department. Now, Sir, at Home in the House of Commons, I think I am correct in saying, that when a member wishes to pass a vote of censure on the way in which a department may be conducted, he proposes a reduction, not of the working expenses of the general staff of that department, but of the member or minister in charge; he takes very good care to see that he does not embarrass the department by cutting down its provision for essential services. If Mr. Venkatapatiraju wishes to pass a vote of censure upon the Telegraph Department, upon the Honourable Sir George Barnes or upon myself, surely that would have been the right way to do it, and not to propose the reduction, without giving us a single reason, of a sum of one crore from our provision for working expenditure, that is, by 12½ per cent. I am sure that the House will not agree to a motion of this kind.

**Mr. Eardley Norton :** Sir, I have a practical complaint to make to the Honourable Member, one to which I trust he will turn his serious attention,

[Mr. Eardley Norton.]

and that is the extraordinarily bad hand-writing of the departments over which he presides. For the last three or four years their caligraphy has been steadily deteriorating, until at last it has reached the stage that I am often compelled to refuse receipt of a telegram. These messages come to me always in pencil, and they contain words which no Englishman or Englishwoman has ever used; they come very often in a mutilated form; and they necessitate an extra and wholly unnecessary expenditure on my part of having to send telegrams back to know what is the meaning of the messages that are sent me. In this respect the Post Office is almost as bad a sinner, but not quite so bad, as the Telegraphs. Why they write so badly I cannot say. Possibly it is because—I scarcely like to attribute this—to want of education, possibly because for the extra nervous strain to which they have been subjected by the recent war, possibly because of the fear of advancing Bolshevism, possibly also because of the fear of such a reduction as that contemplated by my friend behind me. I can only say that it is a serious complaint and that my life from start to finish, already serious enough, is made almost intolerable by the system of undecipherable and unintelligible messages from the Department over which Mr. Innes presides. I can only hope that the suavity which he extends to us across the table may enable him to permeate the greater intelligence of the clerks of his department; and if he can only collect some of them and tell them some stories like those he has told us to-day, I feel quite certain that he can reach their hearts and through their hearts will reach their hands to their and my own better contentment.

**Rao Bahadur T. Rangachariar:** I rise only to point out a slight disposition on the part of my Honourable friend, Mr. Innes, to under-rate the Resolution which we passed yesterday. I see that even in the short space of 24 hours which have passed he seems to understand the Resolution which we passed yesterday and is rather . . .

**Mr. C. A. Innes:** May I rise to a personal explanation, Sir, to say that I had not the slightest idea of detracting from that Resolution at all.

**Rao Bahadur T. Rangachariar:**—I beg your pardon; you used the words ‘as far as possible’ which means quite a different thing from ‘except in urgent cases.’

**Mr. B. Venkatapatiraju:** Sir, it has become necessary for the Honourable Mr. Innes to ridicule the proposition when he has no grounds to reply to. He suggests that we cannot command the world forces which are operating in this country. I certainly do admit, Sir, that when we are weak, when we are inefficient, when we are unable to control our forces, it is no wonder that no sooner a telegram flashes across the wires than the Government of India comes to its knees to offer terms. After revising their salaries only recently, if the officers ask for more and if the Government of India comply with the demand, it only shows inefficient supervision, and inefficient supervision always leads to increased expenditure. My complaint is not with reference to any particular item. My complaint is that the working expenses have gone up enormously within the last five years from 473 lakhs to 894 lakhs. There is no other explanation for this increase except that it is due to the increase of the salaries, which the Government of India are revising and re-revising.

Now, Sir, the Honourable Mr. Innes suggests that we should not kill the elephant. It is far better to kill a white elephant, because it will otherwise prove a burden as in Burma. What I suggest for the consideration of the Government of India, is to find out some method of reducing the proportion of working expenses. Is there no possible way of reducing the expenses when it is admitted that the concern is not a profitable one, that we are losing on it. As everybody knows, it is not an administrative matter; but it is a commercial matter, and we must look at the whole thing from a purely commercial standpoint. So what is there ill-advised or unwise in making such suggestions and for the Government to look into them? Like an ostrich, we cannot bury our heads and then say we cannot see anything. There are the increased salaries staring in our faces, the working expenses are increasing, the reason everybody knows. Because the companies are being managed by only one set of people, and they know full well that since their help is wanted they can make their own demands. But if the management is distributed properly, it would create a healthy spirit of competition, and there would be officers equally efficient as the present. Why should an effort not be made to look to other directions to effect economy instead of trying to ridicule our suggestions? Can anybody deny that the working expenses during the last five years have not gone up so enormously as to justify Government looking into the matter and trying to reduce them? Therefore, Sir, it is not a matter for Mr. Innes to ridicule. It is a matter for the deep consideration of the Government of India, and I hope that the Honourable Mr. Innes will think twice whether it is not possible, by efficient supervision, to reduce the working expenses of the department instead of unnecessarily adding to the burden of the general tax-payer by increasing the postal rates. He wants to raise money, but he must see how best he can bring about efficient development and draw our attention to it. That is the only way of improving the administration.

And, Sir, the Honourable Mr. Innes suggested that in England, whenever they were dissatisfied with a Minister, they could turn him out. But I have no grievance against Mr. Innes or Sir George Barnes. I have no grievance against any person whatsoever. My only point is that, since the working expenses of the department have increased enormously, you must see your way to curtail them and meet the general tax-payer, but instead of that, whenever you find a deficiency you want to tax the people.

**The Honourable the President:** The question is:

‘That provision of Rs. 8,38,82,000 for working expenses—Posts and Telegraphs—be reduced by one crore.’

The motion was negatived.

**Mr. N. M. Joshi:** Sir, I beg to move

‘That the Demand under head Posts and Telegraphs (including working expenses) be reduced by Rs. 12,00,000.’

I am not asking the House to reduce any particular item. The Members of this Assembly know that there is a proposal before it to increase the postal rates, and if I can feel the pulse of this House, I may say that this proposal is not likely to meet with its approval. Under these circumstances, I think it fair that we should help the Honourable the Finance Member by trying to reduce the expenditure on Posts and Telegraphs. If we do not do this, I feel

[ Mr. N. M. Joshi.]

we shall not be fair to Government. I therefore propose that this grant should be reduced by Rs. 12,00,000.

While I ask this House to reduce the grant, I do not wish that the postal facilities which the people of this country enjoy should be reduced to any extent at all, nor do I wish that any officers of Government, whether low or high, should receive insufficient salaries. On the contrary, I desire that the Postal Department should increase the salaries of the postal and telegraph peons of Bombay. I do not also say that Government should not create any new posts nor should build any new buildings. But I want to impress upon this House the necessity of curtailing our expenditure in certain respects without curtailing the facilities and without putting the postal officers to any inconvenience in respect of lower salaries. I therefore propose, in the first place, that the Postal Department should postpone the creation of new posts in the Department. They propose to create several posts, some of which are non-votables—I do not propose to say anything about them—but there are others upon which we can vote, and I shall mention some of these :

	Rs.
Page 5 Divisional Engineer (Wireless) . . . . .	11,000
„ 5 Deputy Assistant Engineer (Wireless) . . . . .	6,000
„ 6 Extra provision for War Branch . . . . .	18,000

I think this should go to the Military Department.

„ Page 20 Telephone operators . . . . .	1,93,850
„ 34 Deputy Assistant Electricians . . . . .	83,600

Sir, we have heard during the last two days a good deal of discussion on the broad question of the establishment of highly-paid new posts. Government first puts forward the necessity of having an officer to develop certain Departments, either a Commissioner, a Superintendent or a Director. The Superintendent, the Director, or the Commissioner then begins to feel that it is his duty not to look to details but only to supervise. Then each department will go up for sanction for the appointment of an Assistant Superintendent, an Assistant Director or an Assistant Commissioner. But I do not want to say much about this system, or about creating post after post in order that the higher officials should be left free to supervise and not be obliged to look into any details. But I would urge that the creation of new appointments can be postponed for a year at least.

I think that nothing would be lost, and that the Postal Department would be just as efficiently managed if some of the appointments are not created during this year but are postponed for one year. Sir, the amount which I read out just now comes to nearly 3 lakhs. Now I come to another item, namely, buildings. I am not against Government building commodious and convenient buildings for the benefit of the postal service—I do not grudge Government the money for them. But what I feel on this question is this. We are suffering from great financial stringency, and therefore we should restrain our hand as much as possible. Now Government propose to spend 20 lakhs of rupees on buildings during this year, and I want to recommend that they should only spend 10 lakhs. We are told that Government are more solicitous about the welfare of its subordinate officers than the higher officers. I do not therefore want to ask

the House to postpone any schemes which affect the subordinate officers or the menials. But if there is any scheme regarding the higher officials, I hope the Government will postpone that scheme for one year. I shall refer to some of the building schemes which I would like postponed. First, there is the new building for the Postal Press at Agra. Then there is the Dadar Post Office which will cost 1 lakh. I have seen that Post Office and I think it can wait for one year more. Then there are bungalows for the Postmaster General and the Director of Telegraph Engineering at Bombay. Now Members of this Assembly know of the great difficulties that exist in getting accommodation in Bombay, and the Postmaster General is not the only person who finds it difficult to obtain accommodation in Bombay, and he is a highly-paid official. I hope, therefore, that he will oblige the Government by waiting for one year.

Then they want another lakh of rupees for a new Rangoon Post Office, and there is a lump provision for major works costing over 6 lakhs. Then there are buildings for the Telephone Exchange and Export and Import Shed and cable guarding house, etc., in the compound of the Telegraph Store Yard at Alipore, each item costing 1 lakh. A new building for a telephone exchange at Asansol costing Rs. 50,000 and a lump provision for major works costing 4 or 5 lakhs of rupees.

All these buildings can wait, but if there are any buildings which must be constructed, I do not think that Government cannot find the money out of the 10 lakhs which will be left.

I therefore think that the case for reducing expenditure by 12 lakhs is very strong. It will no inconvenience anybody. The public will get all postal facilities. The officers, the establishment, high and low, will get all their salaries. What will happen is that some new posts will not be created, and that some new buildings will not be built. I hope therefore that the Assembly will accept my motion.

**Mr. C. A. Innes :** Sir, I feel that I am justly entitled to claim the sympathy of the House. The orders that we received from the Finance Department when we were preparing this Budget were to cut out everything except what was absolutely essential. We did so, and when we sent in our Budget the Finance Department cut it down by a further 50 lakhs. We have pitched our demands at the lowest, and I do not think there is anything in this Budget that anyone can take exception to. Mr. Joshi has suggested that most of the 12 lakhs which he thinks should be cut out of this Budget can be secured by savings on buildings. But here again, it is one of our greatest complaints that we asked for 45 lakhs for buildings, but we were cut down to 20 lakhs. Mr. Joshi suggests that many of the buildings, which are shown as new buildings in the programme for the Telegraph Department, might easily be postponed. I do not think that he has noticed that the net amount which has been provided this year for Telegraph buildings is 10 lakhs of rupees and that major works in progress will require of those 10 lakhs 9 lakhs 75 thousand rupees. Again, the total amount which has been provided for post office buildings is 10 lakhs of rupees. Major works in progress will require 5 lakhs. Thus it is only the most urgent of the new buildings shown on page 65 that can be taken up this year. As I have said, Sir, many people seem to think that this Budget is too big, but I can assure the House that we have cut down beyond what I personally consider to be safe. We have in the Post and Telegraph Departments—departments which have yielded to us for many years large revenues



[ Mr. C. A. Innes.]

especially the Telegraph Department. The Telegraph Department in 1919-20 contributed a net revenue of Rs. 1,70,00,000. But, Sir, during the war, owing to the lack of material, we were not able to keep the department up as we wished. In 1918, we actually had to go to the length of advancing our telegraph rates, merely to keep traffic down and to prevent our already congested wires from being further congested. Now, Sir, that is not a proper position for a business department. We have in the Telegraph Department a department which, if treated properly, will continue to yield us good revenue. Our policy should be to build up the department, to restore the wires, to extend the wires, till the Department is able to cope with the expanding traffic. When we have done that our first duty is to reduce our telegraph rates, which are admittedly too high. But this year, owing to these unfortunate financial circumstances, we have been cut to the bone, and I am sure that the House, when it has heard this explanation, will not agree that this Budget should be cut down even in the small amount of 12 lakhs which has been proposed by Mr. Joshi.

**Dr. Nand Lal :** Sir, some of us are really in an unenviable predicament and I confess I am one of them. Our difficulty is this. When we make arithmetical calculations and compare our totals with the figures in the Appendix, we find that there is an arithmetical accuracy between the present demands and those of the last year. But, when we look at the differences, we find then that the differences are very great. When we ask for an explanation, we find none. And if we ask that there should be some deduction in the demand, then we are confronted with this general and stock question: 'What are your reasons?' It is regrettable indeed that, when this Budget was prepared, there was no committee to discuss it.

But as it is, we have got to see ourselves contented with it now. If we ask for a modest reduction, Government officials ought to try to appreciate our request. Now, look at this motion which is before this House. It is a most modest one. We want a little reduction and we have given sufficient explanation for it. What is that explanation? That explanation is this that we have tried to show where we want this reduction and in what manner it can be made. We have submitted to the Government that the creation of new posts should be stopped for this year, because this year we are financially embarrassed. We shall have to get this money out of the pockets of the poor rate-payers and tax-payers who will cry. If Government wants to erect new buildings, they should postpone it for one year. This is our humble prayer. There will be no harm if those buildings are not erected this year. We are not against the erection of these buildings or offices. We say, they may be built, but not this year, because there are so many expenses to be met. Where is the money to come from? The money will have to come out of the pockets of these poor tax-payers and there will be a hue and cry when we ask them to pay us. If Government will find its way to accept this modest Resolution there will be some sort of consolation. We shall be able to tell the people that Government has allowed some reduction to be made in some cases. We are not asking, by this Resolution, that there should be a reduction in the salary of officials. What we say to the Government is 'kindly do not create new posts at least for this year.' We thank Government if they want to supply us with Government buildings. But we say to them: 'do not take any trouble this year. It may be done hereafter.'

Supposing I have not got money in my pocket and my relations ask me to build a huge palace, should I go to a banker and borrow money? Taking a loan of money and erecting a building, I am afraid, would not advertise my wealth or dignity. Therefore my humble submission is that the Government will kindly accept this very modest motion, and I appeal to the House to vote unanimously in favour of it, it speaks for itself.

**Mr. Wali Mahomed Hussanally :** I think, Sir, the explanation offered by the Secretary for the Department of Commerce is by no means satisfactory to this House. Mr. Joshi mentioned several buildings which he considered could be put off for another year, and to that specific question with regard to specific buildings, there has been no answer forthcoming. All that we had from the Secretary is that the Government have cut down the expenditure in the various branches of Posts and Telegraphs, as far as they could, and that they could not cut it down any further. But that is not the question put by Mr. Joshi. Mr. Joshi wanted to know whether these buildings that he mentioned at various places could not be postponed for another year, and I think, Sir, that the construction of buildings in Bombay and elsewhere could easily be put off, as also the creation of some of the new offices that have been proposed to be created. There is one other point, Sir, to which I beg to draw the attention of the House, and that is the question of additional taxation. Now the Postal Department has been taxing us a very great deal, and I believe that nearly all the non-official members, including the European non-official members, are against increasing the postal rates in India. If the proposal from the Government were to enhance or double the rates of postage to the United Kingdom, for instance, instead of the proposal that has been brought forward in the Tariff Bill, namely, that of raising inland rates, I think there would have been no difficulty in allowing these charges to be passed. But in consideration of the fact that the poor people are going to be taxed with regard to their postage, I think that this reasonable and modest proposal of Mr. Joshi ought to be carried, so as to enable the charges of postcards and postal envelopes to be kept at the same level as that at which they are now.

**Mr. Harchandrai Vishindas :** Sir, I agree with all that Mr. Wali Mahomed has said, and I would only add this. As to the plea that has been put forward by Mr. Innes that the Finance Department have cut down the estimate which his department had submitted we say we want to cut down something more. The only question is whether we are competent to do so or not. There is no doubt that we are competent. All that remains to be considered is whether a strong case has been made by Mr. Joshi, or whether that case has been successfully met by Government. Mr. Joshi has very reasonably pointed out, and I need not repeat what Dr. Nand Lal laid so much stress upon, that these are things which, for the time being, can be put off, and to that the Government has not given any reply. Therefore we have to look to the merits of the question, and on the merits Mr. Joshi's case is a strong one and we should exercise our votes in favour of cutting down this item.

**Mr. H. N. Hutchinson :** Sir, Mr. Joshi has made a point that we might down the expenditure on establishment by not taking on one or two new appointments. We must make new appointments in this large Department in which our work is, not perhaps as Mr. Innes remarked, growing more popular,

[ Mr. H. N. Hutchinson.]

but at any rate growing larger than it was. We must have some new appointments in the future. He has asked that the larger portion of this cut that he wishes be made from buildings. Well, he spoke about the various buildings. I must claim that I have a very much better knowledge of the building question than anybody else here, for I have personal knowledge of every one of the buildings that is in the schedule except one. It chanced that I was in Bombay for some time, and while I was in Bombay I found that the housing question was most difficult. I found that we could not house our men, and if Honourable Members will look at the provisions which we have made, they will find that a good many of the provisions were for housing post offices and housing post men and housing postal clerks, etc., in Bombay...

**Mr. N. M. Joshi:** May I say I never mentioned those buildings. On the contrary, I want those buildings to be built this year.

**Mr. H. N. Hutchinson:** The fact is that with the grant we have from the Finance Department we cannot build those buildings this year. If we look into the statement as put up, we will see that our total demand for future works which are not yet begun is 12 lakhs and over on the post office side, and 12 lakhs and over on the telegraph side, not including those works which are now in progress and for which we must pay, and which we must go on building. The total amount of new works that I anticipate I shall be able to undertake will not amount to more than 3 or 4 lakhs in the whole year. Even now, if we cut down one lakh of this expenditure, there is one lakh less out of the 3 or 4 lakhs which I shall be able to build this year. We are really in a very serious state as to buildings, and I do wish that the Honourable Members will not cut down this grant. I have seen these places, I know the difficulties of housing. The Telegraph Committee which sat last year was extremely scathing in their remarks in dealing with the method in which we house our men, and one of my most important telegraph schemes is for a quarter at Rawalpindi where the men are actually living in tents and will live in tents till we put up this building.

**Mr. E. L. Price:** I must represent that a certain element of prejudice has been introduced into the discussion of this question by coupling it with the question of increasing the postal rates. The first amendment I think on the budget that was put in, connected with the postal rates, must have been put in by myself. I put it in the very day the budget was introduced, and it was that the postal rate for letters should be maintained at half an anna, at all events, up to one tola. And I should like to tell the House, so as not to prejudice either this question or my own amendment later, that the question of maintaining the half anna letter up to one tola weight is not in any way mixed up with this question of demands for post office, because if the Finance Member turns round to me and says 'you cannot persuade me I will not lose money by this concession', if he says that to me, I am ready to point out to him a perfectly legitimate way by which he may raise the difference.

So I do assert, Sir, that the question of postal rates does not arise under the amendment now proposed, but the mere suggestion that it does so arise is prejudicing and I think spoiling the debate on this subject.

**Mr. S. Mudaliar :** I heartily support the Resolution which has been so ably moved by my Honourable friend Mr. Joshi. He has given most convincing reasons and what he has aimed at in his Resolution is a very modest one. He wants us to cut short the expenditure on buildings by ten lakhs of rupees. On the other side, on the side of Government, the answer is that this cannot be cut short and the reasons that have been adduced are not very convincing. I daresay, and I hope the House will agree with me, that these offices which are located in rented buildings can continue in them very well for a year or two. As a matter of fact in my own place which is the headquarters of a district we have the post office in a rented building at a rent of Rs. 150. I think the construction of these buildings can very conveniently be postponed for some time until we have a prosperous budget. Now at a time when we are confronted with a deficit budget and we have to meet a deficit of 19 crores, is it not the bounden duty of this House, does not the House owe a duty to the electorate and the country at large to propose these amendments and very reasonable amendments too, to cut short this expenditure by one lakh? If this cannot be accepted, then I think it must be very surprising and I am bound to say that Government will not be taking a sympathetic view of the matter. Of course I do not demur to what has been said by the other side that they wanted an increase of establishments and to give increases of pay. That question does not arise here. I may say in this connection that last year there was a Postal Committee and some increases of pay have been given effect to. That is what I saw in the papers, and I see there has been some agitation, but apart from those things, I confine my attention to what is said in the Resolution namely, to cut short by Rs. 12,00,000 the working expenses under Posts and Telegraphs. Once more I desire to emphasise that the construction of these buildings can conveniently be postponed for a year or two, unless and until we find money in the meanwhile. I beg to state that, if necessary, the departments can continue in rented buildings. With these few words I beg to support the Resolution which has been moved by Mr. Joshi and I hope it will commend itself to the acceptance of this House.

**Khan Bahadur Zahir-ud-din Ahmed :** Sir, of all the Departments under Government the Postal Department is the Department for which the general public has got the greatest respect : I wish I could have said the same of all the Departments. I am the last man to injure the only Department which is working so very blamelessly. So I am against the Resolution moved by my friend the Honourable M. L. A. from Bombay.

**Rai Bahadur Pandit J. L. Bhurgava :** Sir, I strongly support the motion. The reasons which have been given by the Honourable Mover are very sound and convincing, and the demand is a very modest one. I have been noticing since yesterday that many motions have been moved by non-official Members and most of them have been withdrawn. I hope this time the Government will find its way to accept this reduction of demand and withdraw its objection.

**Babu K. C. Neogy :** Sir, knowing, as I do, the fondness of Government for bricks and mortar, I am not at all surprised at the arguments which have been addressed to the Assembly from the Treasury Bench on this question. I will ask the Assembly to remember one little fact. At the Brussels Conference one of the Resolutions which was adopted recommended that no nation should undertake any capital outlay unless it were of an immediately

[Babu K. C. Neogy.]

remunerative character. I want to know as to how far this question has been approached by Government from that point of view.

**Mr. N. M. Joshi :** My reply to what was said on the Government side is that I do not ask that the buildings which are in progress should not be continued. I only say that the new buildings should not be built, and most of the buildings in the list which I read are new and original works.

I therefore hope that the Assembly will accept my motion.

**The Honourable Mr. W. M. Hailey :** I do not wish to add to the debate, Sir, but to mention one definite fact; I mention it in reply to what Mr. Joshi said just now. 20 lakhs have been provided in the budget of the combined Departments for buildings. Out of that 20 lakhs, 15 are already mortgaged for works in progress. I appeal to any business man in this House to say whether it is wise to leave off works in progress, or whether it is economical to do so. You will have to pay your contractors; ultimately, when you resume your work, you will probably have to pay very much more. I repeat, Sir, of the 20 lakhs, 15 are already mortgaged for works in progress.

**The Honourable the President :** The question is :

‘That the Demand (No. 12) under head Posts and Telegraphs (including working expenses) be reduced by Rs. 12,00,000’.

The Assembly divided as follows :

AYES—47.

Abdulla, Mr. S. M.  
Afsar-ul-Mulk Akram, Hussain,  
Prince.  
Ahmed, Mr. K.  
Aiyar, Sir Sivaswamy.  
Ayyar, Mr. T. V. Seshagiri.  
Bagde, Mr. K. G.  
Bajpai, Mr. S. P.  
Bhargava, Mr. J.  
Bishambhar Nath, Mr.  
Chaudhuri, Mr. J.  
Currimbhoy, Mr. R.  
Dalal, Sardar, B. A..  
Das, Babu Braja Sundar.  
Dwarkanadas, Mr. J.  
Ghulam Sarwar Khan, Chaudhuri.  
Ginwala, Mr. P. P.  
Girdhardas, Mr. N.  
Gour, Dr. H. S.  
Gulab Singh, Sardar.  
Hussanally, Mr. W. M.  
Iswar Saran, Mr.  
Jatkar, Mr. B. H. R.  
Jejeebhoy, Sir Jamestjee.

Joshi, Mr. N. M.  
Kamat, Mr. B. S.  
Lakshmi Narayan Lal, Mr.  
Latthe, Mr. A. B.  
Majumdar, Mr. J. N.  
Man, Singh Bhai.  
Mitter, Mr. N. C.  
Misra, Mr. Pyari Lal.  
Mudaliar, Mr. Sambanda.  
Mukherjee, Babu J. N.  
Nand Lal, Dr.  
Nag, Mr. Girish Chandra.  
Neogy, Babu Khitish Chandra.  
Rangachariar, Mr. Tiruvenkata.  
Rao, Mr. P. V. Srinivasa.  
Reddiyar, Mr. M. K.  
Samarth, Mr. M. N.  
Sinha, Beohar Raghubir.  
Sinha, Mr. S.  
Sircar, Mr. N. C.  
Sohan Lal, Mr.  
Ujagar Singh, Baba Bedi.  
Venkatapatiraju, Mr. B.  
Vishindas, Mr. Harchandrai.

## NOES—41.

Ahmad, Mr. Zahir-ud-din.  
 Amjad, Ali Mr.  
 Aiyar, Mr. A. V. V.  
 Bryant, Mr. J. F.  
 Crookshank, Sir Sydney.  
 Dentith, Mr. A. W.  
 Fell, Sir Godfrey.  
 Garu-Jayanti, Mr. R. P.  
 Gidney, Lieutenant-Colonel H. A. J.  
 Habibullah, Mr. Mahomed.  
 Hailey, The Honourable Mr. W. M.  
 Hajeebhov, Mr. Mahomed.  
 Herbert, Lieutenant-Colonel D.  
 Holland, The Honourable Sir Thomas.  
 Hullah, Mr. J.  
 Hutchinson, Mr. H. N.  
 Ikramulla Khan, Mr. Mirza Md.  
 Innes, Mr. C. A.  
 Kabraji, Mr. J. K. N.  
 Keith, Mr. W. J.

Maw, Mr. W. N.  
 Mitter, Mr. D. K.  
 Muhammad Husain, Mr. T.  
 Norton, Mr. Eardley.  
 O'Donnell, Mr. S. P.  
 Percival, Mr. P. E.  
 Pickford, Mr. A. D.  
 Price, Mr. E. L.  
 Ramji, Mr. M.  
 Rao, Mr. C. Krishnaswamy.  
 Renouf, Mr. W. C.  
 Sapru, The Honourable Dr. T. B.  
 Sarfaraz Husain Khan, Mr.  
 Sen, Mr. Nishikanta.  
 Shahani, Mr. S. C.  
 Sharp, Mr. H.  
 Singh, Raja S. N. P.  
 Spence, Mr. R. A.  
 Spry, Mr. H. E.  
 Waghorn, Colonel W. D.  
 Watson, Sir Logie Pirie.

The motion was adopted.

**Mr. N. M. Samarth:** Sir, the motion as printed on the agenda is not in accordance with the notice that I gave and I will read out, therefore, the notice which I gave of the amendment. It is this:

'That in Demand No. 12, Posts and Telegraphs—page 58, the amount of Rs. 10,78,02,000 be reduced by Rs. 1,10,02,000, the said reduction to be made in the amount entered for Capital Outlay.'

As Members will remember, on Tuesday last, during the budget discussion, I pointed out that in the budget of the Government of India, March 1921, page 120, there is the following entry:—'Posts and Telegraphs, Capital Account chargeable to revenue: Capital outlay on Posts and Telegraphs' and on page 121, that amount is given as Rs. 2,10,02,000. I, for one, cannot understand how capital outlay on posts and telegraphs can be debited to revenue. Either, I said, I was wrong or it is a curious method of book-keeping. To that I do not think I received any satisfactory reply from Government. I should like to know even now whether Government have got any satisfactory reply to it or whether they can see my point or not.

Originally, I intended to demand from this House a reduction of the whole of this amount of two crores ten lakhs and two thousand rupees. But I thought some portion of it must be probably for copper wires and other stores, freight and so on. I have no figures, Government probably have figures. A fair proportion of this capital outlay, I thought, should go into capital account because it would be a productive outlay. I then looked at the working expenses which are given in Appendix A—Working Expenses for Posts and Telegraphs. I found on page 80 that the Indian Postal and Telegraph Department and the Indo-European Telegraph Department show Gross Receipts, in the proposed estimate, amounting to 12 crores 37 lakhs 19 thousand, out of which working expenses are deducted at 8 crores 82 lakhs 55 thousand, and there are, therefore, net receipts amounting to 3 crores 54 lakhs 64 thousand. On going through the figures, I found further at pages 56, 58 and

[ Mr. N. M. Samarth. ]

72 certain items for purchase of stores and freight, and altogether the total of the figures comes to one crore 62 lakhs 99 thousand. Deducting that out of the net receipts, I found the balance was 1 crore 91 lakhs 61 thousand. I thought the net receipts would quite suffice for the purposes of the department, but I have made a liberal margin in favour of Government and asked for a reduction of the total demand by only Rs. 1,10,02,000. I need not labour the point, and I should like to know what Government have to say in the matter.

**The Honourable Mr. W. M. Hailey :** Sir, the Telegraph Department, like the Postal Department, is a source of revenue to the country, but we have not, I quite admit to the House, been able hitherto to gauge the exact amount of net revenue which the Post and Telegraph Departments bring us in. It is perfectly true that we do keep a *pro forma* capital account. It is, however, only a *pro forma* account. There are a number of hypothetical adjustments—work done for the department by other departments and work done by the department itself for other departments, which have to be made before we can get a true view of the profit and loss involved in its operations. It has been a complaint, I think, for some years that we never presented to the public a perfectly true account of the operations of this combined Department as a commercial undertaking. Well, Sir, when you find a complaint of that kind and you believe the complaint to be well founded, the best thing to do is to try to put it right, and this year we are trying to do so. We have obtained from England representatives of a firm of Chartered Accountants highly expert in commercial accounts. They are now touring India, and we hope, before very long, to have a complete and satisfactory capital and revenue account for the post and telegraph departments. It is because we have never had really satisfactory figures for the separation of capital from revenue expenditure that we have continued to finance these two departments out of revenue and to take all the proceeds into revenue. To that extent they have of course been on a different basis from Irrigation and Railways which have a true capital account; their capital outlay has been financed entirely from loans, and we have kept their accounts on strictly commercial principles.

That is the reason why you will find that in our accounts the interest charges are set off on account of our capital outlay on Irrigation and Railways, while there are of course no interest charges given on account of our Post and Telegraph operations. However, Sir, I recognise that this is a somewhat exceptional year—may I add perhaps fortunately exceptional, for I hope that it will not be often repeated—and we ought to try to do what we can to meet the Assembly; that is instead of asking it to wait until we have our true account before we transfer any expenditure from the revenue to the capital account, instead of giving that answer, we ought to do what I can to meet the present urgent necessity. Meet it perhaps I might add, Sir, we ought to try to meet it by somewhat more legitimate methods than by merely disallowing expenditure for works in progress. Well, Sir, what we propose to do is to make the best account we can of what can be described as true capital expenditure—that is to say, wires and the like to which Mr. Samarth has referred—and put that down to capital. On the best calculation that we can make, that amounts to about Rupees 1 crore, and I am quite prepared, as far as we are concerned, to take 1 crore of rupees out of this Demand for grants and put it down to the capital demand, making, if the House agrees, the necessary Resolution afterwards

for the adjustment that will be required in our accounts for that purpose. I see that the Honourable Mr. Samarth's amendment refers to Rs. 1,10,02,000. There is no very great difference between our figures, and I admit that it would be far more satisfactory from my point of view if it were a crore. If Mr. Samarth likes to behave handsomely by me as I am behaving handsomely by him, I think, Sir, that we might perhaps call it one crore ?

**The Honourable the President :** The question was—

‘ That in the Demand No. 12, the provision of Rs. 10,78,02,000 for Capital Outlay under head Posts and Telegraphs be reduced by Rs. 1,10,02,000.’

Since which an amendment has been moved to substitute for the figures in the motion the figure Rs. 1 crore.

The question is that that amendment be made.

The motion was adopted.

**Mr. Joshi :** Sir, the Honourable the Finance Member just now referred to disallowing expenditure for works in progress. If he means my motion , ,

**The Honourable the President :** Order, order. We have passed from that.

**The Honourable the President :** The question is :

‘ That a sum not exceeding Rs. 9,66,02,000 be granted to the Governor-General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of Posts and Telegraphs.’

The motion was adopted.

The Assembly then adjourned till Friday, the 11th March 1921.





# LEGISLATIVE ASSEMBLY.

*Friday, 11th March, 1921.*

The Assembly met in the Assembly Chamber at Eleven of the Clock.  
The Honourable the President was in the Chair.

## MEMBER SWORN :

Raja Bahadur Partab Bahadur Singh, C.I.E., of Qila Partabgarh, M.L.A.

## QUESTIONS AND ANSWERS.

### INCOME-TAX ASSESSEES.

435. **Mr. J. R. Pantulu Garu:** Will the Government be pleased to state, for each province separately, the number of persons assessed to income-tax in the last class of assessee since the taxable minimum was raised to Rs. 2,000 and similar information for a similar period immediately preceding the said enhancement?

**The Honourable Mr. W. M. Hailey:** A statement is being sent to the Honourable Member.

*Statement showing the number of persons assessed to Income-tax during the years 1918-19 and 1919-20 at the rates specified below.*

Provinces.	1918-19 (FINAL).		1919-20.*
	At 4 pies in the rupee.	At 5 pies in the rupee.	At 5 pies in the rupee.
Madras . . . . .	21,713	19,736	22,594
Bombay . . . . .	19,649	11,697	16,259
Bengal . . . . .	39,450	16,034	15,307
United Provinces . . . . .	27,513	15,685	16,877
Punjab . . . . .	27,058	14,210	15,962
Burma . . . . .	15,395	4,828	5,975
Bihar and Orissa . . . . .	8,552	6,776	6,176
Central Provinces . . . . .	8,156	4,706	4,573
Assam . . . . .	3,225	1,958	2,761
Total . . . . .	170,711	98,660	106,484

\* These figures are preliminary estimates.

## FORM AND DESIGN OF CURRENCY NOTES.

436. **Mr. J. R. Pantulu Garu:** With reference to the Government's reply to letter No. 261, dated 24th December 1918, from the Godavery District Association, Madras Presidency, stating that the question of improving the form and design of the currency notes—especially of the Rs. 50 and Rs. 10 denominations—was under the consideration of Government, will the Government be pleased to state whether a decision has been arrived at on the subject and when the issue of notes of an improved pattern may be expected?

**The Honourable Mr. W. M. Hailey:** It has been decided to improve the form of Currency notes. The main features of the new design have been approved and a final specimen from England is now awaited. It is expected that the new ten-rupee notes will be ready for issue in the early part of next year.

## HARDSHIP OF PENSIONED SEPOYS.

437. **Mr. J. R. Pantulu Garu:** (a) Is the Government aware that the rule whereby a pensioned sepoy loses the right to ricemoney while in receipt of a salary or pension from a Civil Department, operates as a hardship on those pensioners in these days of high prices?

(b) Do the Government propose to revise the rule in favour of the pensioners?

**Sir Godfrey Fell:** Ricemoney is a form of compensation for dearness of food. The concession is applicable only to a limited class which is rapidly disappearing. The rules for its issue, which are rather complicated, will be found in Appendix VI to Volume I, Army Regulations, India.

Only pensioners who were enrolled before the 1st September 1888 are allowed, in certain circumstances, to draw ricemoney in addition to pension. Ricemoney is not admissible when a pensioner is employed in a civil capacity. Government do not consider that any hardship is involved by withholding ricemoney in such cases, as the mere fact that he is employed in a civil capacity shows that the pensioner is still able to supplement his pension; whereas the issue of ricemoney, in addition to pension, was intended merely to mitigate the effect of high prices upon those who are unable to supplement their pensions. Government are not prepared to revise the rule.

## ORIIYA PORTION OF THE GANJAM DISTRICT.

438. **Mr. J. R. Pantulu Garu:** (a) Is it under the contemplation of Government to transfer the whole or any part of the Oriya portion of the Ganjam District in the Madras Presidency, to the Province of Bihar and Orissa?

(b) If so, do the Government intend to give an opportunity to those interested in the question, to represent their views before the Government arrives at a decision?

**Mr. S. P. O'Donnell:** The attention of the Honourable Member is invited to the debate on a Resolution moved by Mr. Sachchidananda Sinha at a meeting of the Indian Legislative Council on the 20th February 1920, regarding the amalgamation of the Oriya-speaking tracts under one administration. This is the only proposal which is before the Government. In accordance with the

promise given by the Honourable Sir William Vincent Local Governments were addressed on the 22nd May 1920, and were asked to ascertain the wishes of the people affected in the matter. Their replies are awaited.

#### SEPARATE UNIVERSITY FOR ANDHRA DISTRICTS.

439. **Mr. J. R. Pantulu Garu:** Do the Government propose to take early action for the establishment of a separate university for the Andhra or Telugu Districts in the Madras Presidency.

**Mr. H. Sharp:** Should the Government of Madras submit any proposal for the establishment of such a University, it will receive the sympathetic consideration of the Government of India.

**Mr. J. R. Pantulu Garu:** Will the Government be pleased to forward my question and the answer just given to it, to the Government of Madras?

**Mr. H. Sharp:** I think there will be no objection to that course.

#### DISCONTENTMENT IN ORDNANCE FACTORIES.

440. **Dr. H. S. Gour:** Is Government aware of the great discontentment prevailing in the Ordnance Factories among the leading hands and Indian Service mechanics due to the non-revision of their pre-war rates of pay when all the remainder of the staff have been in receipt of substantial increments for some time; and is it the fact that these men were promised, as early as 1918, by the Heads of their Department, that they would receive enhanced rates of pay along with the Home recruited men, viz., Foremen and Assistant Foremen, and that while the latter were given an increase of pay ranging from 35 to 40 per cent. in September 1919, the former have up to date received nothing more than the temporary war allowance sanctioned for both in June 1918?

**Sir Godfrey Fell:** The leading hands and the Indian Service mechanics in Ordnance Factories were given as a temporary war measure an increment in 1918 of 20 per cent. of their pre-war pay. In January 1921, their pre-war pay was increased by 25 per cent. in lieu of the temporary increase of 20 per cent. The Head of the Department was, of course, not in a position to commit Government by giving any promise of the nature suggested in the Honourable Member's question and Government are not aware that any such promise was given. The increases given to Assistant Foremen and Foremen are stated correctly in the question.

#### ADDITIONAL EXPENDITURE IN ORDNANCE FACTORIES.

441. **Dr. H. S. Gour:** Will the Government please state the approximate additional expenditure involved in the granting of increased rates of pay to the following grades of the Ordnance Factories since 1918 and also the percentage of the said increase over old rates:

- (a) Foremen and Assistant Foremen.
- (b) Supervisors (non-pensionable establishment).
- (c) Clerks.
- (d) Artificers and labourers.

**Sir Godfrey Fell :** A statement is laid on the table which gives the information required.

	Extra expenditure per annum.	Percentage of increase.
	Rs.	Rs.
(a) Foremen . . . .	86,000	40
Assistant Foremen . .	1,00,000	34
(b) Supervisors . . . .	The number of Supervisors employed varies with the work, and no reliable figure can be given of the additional expenditure entailed by granting increased rates to this class.	
(c) Clerks . . . . .	1,66,000	85 per cent.
(d) Artificers and labourers .	The number of artificers and labourers varies according to the work, and here again no reliable figure can be given. Speaking generally, increases have been on the scale of 33 per cent. upwards.	

#### OVERSEAS ALLOWANCE IN ORDNANCE FACTORIES.

442. **Dr. H. S. Gour :** Will the Government please state :

(a) If it is the fact that the Home recruited men in Ordnance Factories, *viz.*, Foremen and Assistant Foremen, have been granted a further increase of an overseas allowance thereby raising the percentage of increase on their pre-war rates of pay to approximately 60 per cent. ?

(b) If it is the fact that the artificers and labourers in certain Ordnance Factories are in receipt of grain compensation allowance in addition to enhanced rates of pay giving a percentage of approximately 60 per cent. on their pre-war rates of pay ?

(c) What additional expenditure would be involved if sanction were accorded to the new scale of pay proposed by the Director General of Ordnance and submitted to Government for the existing staff of leading hands and Indian Service mechanics in the Ordnance Factories ?

**Sir Godfrey Fell :** (a) The answer is in the negative. The matter is still under consideration.

(b) Grain compensation or dearness allowances are from time to time granted to the establishments of certain factories on the scale and under the conditions laid down by the Local Government of the Province in which the factory is situated. In order to calculate the percentage of increase on pre-war pay resulting from the grant of such allowances it would be necessary to collect detailed figures from each of the factories and this will be done if the Honourable Member desires to pursue the matter.

(c) The Honourable Member is referred to the reply given to his Question No. 440 which has just been answered. The 25 per cent. increase of pay given to the class in question entails additional expenditure of approximately Rs. 20,000 per year.

#### PETITION OF INDIAN SERVICE MECHANICS IN ORDNANCE FACTORIES.

443. **Dr. H. S. Gour :** (a) Is the Government aware that in one Ordnance Factory alone 6 petitions were submitted to the Heads of their Departments

by leading hands and Indian Service mechanics praying to be treated like their brother workmen by increasing their rates of pay, and pointing out that except for a temporary war allowance they were the only ones who were working on pre-war rates of pay, and that owing to the increased cost of living they were being put to great hardships?

(b) If the statements in the petitions are correct, will the Government please state the cause for such differential treatment being meted out to these men and do Government propose to recompense them for the hardships and loss they are being put to by early sanctioning for them a new scale of pay, making the new scale retrospective to September 1919, and basing it on a time-scale?

**Sir Godfrey Fell :** (a) A number of representations have been received from leading hands and Indian Service mechanics and the decision arrived at has been stated in reply to the Honourable Member's Question No. 440, which has been answered this morning.

(b) As the Honourable Member has just been informed, an increase of pay has already been sanctioned, but it is not intended to give retrospective effect to an earlier date than 1st October 1920. The class in question had previously received an increase of pay in 1918, and there has been no differentiation of principle in the treatment of the various classes of employees in the Ordnance Factories. I may add that Government have under their consideration the Report of the Committee on the Ordnance Factories, which has recommended *inter alia* the adoption of new scales of establishments and new rates of pay.

#### TEA CESS.

**444. Lala Girdhari Lal Agarwala :** (a) In what way is the money realised as Tea cess expended?

(b) Is it a fact that the said money is partly spent not only in permeating the country with tea stalls, but also in alluring people to collect at tea stalls by means of providing free entertainments, in the nature of vocal and instrumental singing and music? Is the allegation true that many people who have never used tea are entrapped into the tea drinking habit in this way?

(c) Will the Government kindly collect information and lay on the table a statement showing the number of (a) tea consumers, (b) tea vendors, and (c) tea consumed in a year before the introduction of Tea cess and also at the present day?

(d) Is it the policy of the Government to encourage the tea-drinking habit and to adopt extraordinary means and ways to increase the same?

**The Honourable Sir Thomas Holland :** (a) I would refer the Honourable Member to the proceedings of this Assembly dealing with the Tea Cess Act Amendment Bill. The object of this cess was then explained.

(b) The Government of India have no information as to the detailed methods used by the Tea Cess Committee in advertising the use of tea and have had no complaints from the people who are supposed to have been entrapped into tea drinking either by the two classes of singing, vocal and instrumental, which the Honourable Member distinguishes or even by music.

(c) The inquisitional efforts of the Census Commissioner have produced no information as to the number of people who have taken to drinking tea during the last 20 years; nor do we know the number of additional people who have taken to selling tea. It is not possible to form a definite estimate of the consumption of tea in India before the cess was introduced as the figures for production of Indian tea at the time were based on very incomplete data. We have now more satisfactory data, and it has been estimated that in 1919-20 the amount available for home consumption was about 30 million pounds or 7.9 per cent. of the production during 1918.

(d) The Government of India are satisfied that tea as ordinarily made is safer to drink than unsterilised water, and its use has probably resulted in saving many thousands of lives in addition to the fact that it has reduced the temptation to take drugs and intoxicating liquors. If the methods adopted to spread knowledge regarding the value of tea are really those described by the Honourable Member, they appear to resemble very closely those pressed on Government independently by temperance reformers.

#### ITARSI-NAGPUR RAILWAY.

445. **Dr. H. S. Gour:** (a) When was the Itarsi-Nagpur Railway projected?

(b) When did the work of its construction commence?

(c) What is the present stage of its progress?

(d) By when is it likely to be completed?

(e) Do the Government propose to see that its construction is accelerated?

**Colonel W. D. Waghorn:** (a) The line was projected in 1901.

(b) The work on the line was commenced in 1908.

(c) The length from Itarsi to Purassia 134.38 miles has been opened for traffic, but the construction of the remaining sections of the line has been delayed due to shortage of permanent way and other materials as a consequence of the war.

(d) and (e). Government are making every effort to complete the line as soon as conditions permit.

#### NAGPUR RAILWAY STATION.

446. **Dr. H. S. Gour:** (a) Is the Government aware that great inconvenience to the public is caused by the delay in the construction of the remodelled Nagpur Railway Station?

(b) Do the Government propose to see that its construction is taken in hand without further delay?

**Colonel W. D. Waghorn:** (a) and (b). Government are aware that the accommodation provided in the existing station building at Nagpur is insufficient, but they are not aware that it is such as to cause great inconvenience to the public.

The Great Indian Peninsula Railway Administration have already been authorised to proceed with work on the new station building.

PROPOSED UNIVERSITY AT NAGPUR.

447. **Dr. H. S. Gour:** (a) Has the Government received any communication from the Central Provinces Government on the subject of the proposed university at Nagpur?

(b) And, if so, will the Government be pleased to lay on the table the communication so received?

(c) Is the Government aware that a university at Nagpur is understood to have been recommended by the Education Commission in 1882; and that it was definitely promised by His Excellency Lord Hardinge's Government some eight years since and that except the University of Nagpur most if not all the universities then proposed to be started have been brought into existence?

(d) And do the Government propose to take steps to see that no further avoidable delay occurs in redeeming its promise?

**Mr. H. Sharp:** (a) Yes.

(b) It is understood that the most important papers on this subject have already been published by the late Administration of the Central Provinces. The question of further publication is primarily one for consideration by the Government of the Central Provinces.

(c) The possibility of a University for the Central Provinces was mentioned in the Report of the Education Commission of 1882. The definite promise referred to by the Honourable Member is presumably a passage in the Government of India's Resolution of the 21st February 1913, in which the Government of India said that they contemplated the establishment of Universities at Rangoon, Patna and Nagpur. It is a fact that the other universities, to which specific allusion was made, have been brought into existence.

(d) In view of the statement made by the Honourable the Member for Education in a debate which took place in the Indian Legislative Council on the 16th September 1919, it cannot be admitted that the delays in regard to the institution of the University at Nagpur have been avoidable. Education is now a transferred subject and it is for the Local Government to take the next step.

COLLECTIVE RESPONSIBILITY OF MINISTERS.

448. **Sir P. S. Sivaswamy Aiyer:** (a) Are the Government aware that clause 4 of the Government of India Bill, 1919, was amended by the Joint Select Committee so as to recognise the collective responsibility of Ministers?

(b) To the knowledge of the Government is any departure from the principle of collective responsibility of the Ministers intended or proposed in any of the provinces and, if so, for what reasons?

**Mr. S. P. O'Donnell:** (a) Yes.

(b) Under section 51(2) of the Government of India Act, the Governor may make rules for the transaction of business with his Ministers, provided that the rules so made are not repugnant to the provisions of any other rules made under the Government of India Act. The Government of India can see no departure from the principle of the collective responsibility of Ministers as recognised in the Act and in the report of the Joint Committee, in any of the rules which they have seen.



## DEPOSITS IN THE IMPERIAL BANK OF INDIA.

449. **Lala Girdhari Lal Agarwala :** Will the Government be pleased to collect information and lay on the table a statement showing the latest figures available as to the amount deposited in the Imperial Bank of India (a) by Europeans, and (b) Indians, as also advances made to Europeans and Indians separately sub-divided into heads detailing secured and unsecured dates with rates of interest in each case?

**The Honourable Mr. W. M. Hailey :** The Imperial Bank of India is not a Government concern and Government are not entitled to call upon them to disclose details of this nature. Nor would it in any case be easy for the Bank to give the information, as they would find it difficult to classify companies and firms of mixed partnership either as European or Indian.

## RACIAL DISTINCTION IN THE IMPERIAL BANK OF INDIA.

450. **Lala Girdhari Lal Agarwala :** Is there any distinction of race or colour made in practice or theory in the Imperial Bank of India in regard to the filling up of responsible posts or dealings with customers in the said Bank.

**The Honourable Mr. W. M. Hailey :** The questions of filling posts and of dealing with customers in the Imperial Bank of India are entirely the domestic concerns of the Bank and are not within Government's control. I may add, however, that it has been ascertained privately from some of the Governors of the Bank that it is the settled policy of the Central Board to employ more Indians, but that before this is possible, they must be trained, and the Governors are now formulating a scheme with this object in view. With reference to Mr. Agarwala's question regarding customers, I may refer him to the answer which I gave to his previous question.

## STATEMENT OF GOVERNMENT BUSINESS.

**The Honourable the President :** I think it will be for the convenience of the Assembly if Government were in a position to make any statement regarding the business they propose to take up after the Budget has been disposed of, *i.e.*, on Thursday, the 17th March.

**The Honourable Mr. W. M. Hailey :** Sir, in respect of the legislative business for the 17th March, we propose to make a motion for reference of the Indian Finance Bill to a Joint Committee of both Chambers. Similar action is proposed with reference to the Indian Factories (Amendment) Bill.

In the next place it is proposed that the following Bills be taken into consideration, and, if the Assembly agree, that they be passed :

(i) The Bill further to amend the Code of Civil Procedure, 1908.

This is a short Bill dealing with section 55 (3) and (4) and was passed by the Council of State on the 28th February. Copies were laid on the table in this House on the 1st March.

(ii) The Bill to facilitate the enforcement in British India of Maintenance Orders made in other parts of His Majesty's Dominions and Protectorates and *vice versa*.

This Bill was also passed by the Council of State on the 28th February and copies were laid on the table in this House on the 1st March. .

I understand that these two Bills are being circulated for the information of Members to-day.

(iii) There will probably be a motion that the Bill to amend the law relating to the Calcutta University, which was introduced in this Assembly on the 1st March, be taken into consideration, and if the Assembly so pleases, passed.

It is further proposed, Sir, that the discussion on the Bill further to amend the Indian Penal Code, 1860, which was introduced on the 19th February, be continued.

A further motion will also be made in regard to the Bill further to amend the Code of Civil Procedure, 1908, regarding compensatory costs in fraudulent suits, which was introduced in this Assembly on the 1st March.

Lastly, Sir, it is hoped that a Bill further to amend the Indian Electricity Act, 1910, will also be ready for introduction on the 17th March.

## THE BUDGET—LIST OF DEMANDS—*contd.*

### SECOND STAGE—*contd.*

#### *Expenditure from Revenue—contd.*

**The Honourable Mr. W. M. Hailey :** I beg to move, Sir :

‘That a sum not exceeding Rs. 2,30,77,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 for Interest on ‘Miscellaneous Obligations’.

**The Honourable the President :** The question is :

‘That a sum not exceeding Rs. 2,30,77,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of ‘Interest on Miscellaneous Obligations—*contd.*’

The motion was adopted.

**Mr. S. P. O'Donnell :** Sir, I beg to move :

‘That a sum not exceeding Rs. 35,46,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 for ‘General Administration.’

Honourable Members will observe that the figure I have mentioned is Rs. 43,000 in excess of that shown in the Blue Book which they have in front of them. The reason for that is this. It is desired to increase the provision for the sumptuary allowance of the Governor General from Rs. 21,000 to Rs. 40,000 and the provision for expenditure from the contract allowance from Rs. 1,32,000 to Rs. 1,56,000. The existing allotments were fixed as far back as the year 1911-12 after very careful examination at the time by the Finance Department. Recently the accounts have been examined by an officer deputed by the Finance Department and that officer has certified that as might have been expected that owing to the great rise in the price of articles since the year 1911-12 the existing provision is insufficient to cover the necessary expenditure. I regret that it was not possible to give earlier intimation of the change of figures. But the examination of the accounts has only just been completed.

## [PROVISION FOR EXECUTIVE COUNCILS.

**Mr. B. Venkatapatiraju:** Sir, the Resolution, which I propose to move now, runs as follows :

‘ That the provision of Rs. 60,000 under the head of ‘ Executive Councils ’ on page 60 be omitted.’

Perhaps, to avoid misapprehension, I may say at once that this is not a motion intended to cast any slur upon any of the Executive Council Members, because they are all true and good men and they are trying to do their level best. Nor have I any particular object in depriving them of their tour allowances or hill allowances or other allowances amounting to Rs. 60,000. My object, Sir, is this. It is known that Sir George Barnes is leaving this place before the end of this month, and there will then be only 6 Executive Councillors. Sir, I am not asking for the reduction of the salary provided for 7 Members, for we cannot do it. My only point is, when there are only 6 Members, why should they provide for 7 Members? Therefore, I have taken an opportunity of asking Government to cut down the travelling allowances so that we might know why they have provided for 7 when there are only 6. Besides, Sir, we know from the Joint Committee Report, that whenever they want to increase the number of Members hereafter, there will be an increase of Indian Members. There are now 3 Civilian Members, and any additional Member should be an Indian Member. Therefore, I want to know what the object of the Government was in providing this extra sum. We have not heard it said anywhere else that a successor is being appointed in place of Sir George Barnes. With that object in view, Sir, I raise this point in order that Government may have an opportunity of expressing their opinion.

**The Honourable Sir William Vincent:** Sir, the Honourable Member began in a very considerate spirit. He said: ‘ Don’t throw stones at the musicians. They are doing their best ’. And I am grateful to him even for that consideration. The actual proposal before the Council is that Rs. 60,000 should be reduced from the travelling allowances granted to Members of Council. The effect of accepting that of course would be that there will be no provision at all for Honourable Members’ tours. I think that some of us might welcome such a state of affairs. I am sure, the Honourable the Finance Member would often be very glad to be spared constant journeys in the hot weather. But the fact is, that constant complaints are made that we Members of Council do not go round enough to the large centres of commerce and do not keep ourselves sufficiently in touch with Calcutta, Bombay and Madras—that we remain on the Olympian heights too long. I fear it would not be in accordance with the wishes of this Assembly that Members of the Executive Council should abandon all touring and spend their time half the year in Simla and half the year at Delhi, never moving at all.

The only reason given by the Honourable Member was the suggestion that the number of the Members of Council was being reduced, and there was some reference also to Indian Members being appointed. I can assure this Assembly that when he goes on tour, my Honourable friend, Mr. Shafi, costs exactly the same as I do. There is no racial discrimination at all. Nothing of the kind. We do not draw any travelling allowance. Our railway accommodation alone is paid for. The Honourable Member also said that there are three Civilian Members. That is an error. There are only two Members of the Indian Civil Service in the Executive Council. But the real fact is, that you cannot

reduce this vote unless you wish to curtail the tours of Members of the Executive Council, and I am quite sure, that Honourable Members of this Assembly will feel that if possible they ought to travel freely and more often than they do at present. Finally, I may say that I am informed that there is no present intention of filling Sir George Barnes' place by a new Member.

**The Honourable the President:** The question is that the reduction\* be made.

The motion was negatived.

#### INSPECTOR OF OFFICE PROCEDURE.

**Rai J. N. Májumdár Bahadur:** Sir, I propose :

'That the item 'Inspector of Office Procedure—Rs. 27,450' on page 64 be omitted.'

Sir, the Imperial Secretariat has a host of officers beginning from the Ministers or Members down to the clerks. You have got Executive Council Members, then you have got Secretaries—highly paid officers at Rs. 4,000 a month—then Deputy Secretaries on Rs. 2,500, then Under Secretaries, then Registrars, Superintendents, and Clerks. Thus we have already a host of officers in the Secretariat, and one fails to understand why a new post should be created. I find, Sir, that his salary is Rs. 2,560 rising to Rs. 2,500. I do not know how a progressive scale can rise from Rs. 2,560 to Rs. 2,500: However, there is that figure. Of course, I think some new procedure has already been introduced by the higher figures rising to lower figures. It matters not. I think that is a mistake. I believe, these high officials are as efficient as any officers in any other Secretariat and have been managing office procedure from time immemorial since the Government of India was created. I do not see why therefore all of a sudden it should be said that they are all incompetent and that they are unable to manage their own office procedure. I do not think my Honourable friend, the Home Member, will say that he has all of a sudden, in his old days, become ignorant of office procedure. Nor do I believe that his Secretaries, Deputy Secretaries and Under Secretaries have all of a sudden become ignorant of office procedure as soon as they have come from Calcutta to Delhi. I think there is nothing particular in the climate of Delhi which makes efficient men inefficient as soon as they come here. I submit, Sir, that this post is wholly redundant. There is no necessity for it. I do not know what is meant by 'office procedure,' whether that officer is going to suggest that some small tables—my learned friend here says that that is perhaps what is done—should be provided and that they will save space; and that means saving the cost of buildings which will run into lakhs. Is he going to recommend some reduction of some superfluous clerks? I think these are things which the Finance Member, the Secretary, the Deputy Secretary, Assistant Secretaries, Registrars, Superintendents are competent to do. I have nothing to do with the person who fills the office. I do not know him, I have not heard his name. What I am concerned with is, why these posts should be multiplied, to the great disadvantages of the taxpayer who has to pay the piper, and if he has to pay the piper he must call for the tune. What is this new office procedure that he is going to introduce in the Secretariat?

Then, Sir, I am also in rather a fix, because I find that he has been translated into what I should say, 'the heaven of the untouchables', not in the

\* Vide page 916 of these Debates.

[Rai J. N. Majumdar Bahadur.]

sense that my Honourable friend, Mr. Rangachariar, from the Madras side, used it, but I say, he is enshrined in the 'Holy of the Holies', *Sanctum sanctorum*, non-votable. We cannot approach it, we poor mortals cannot vote for his salary. He has been entered as non-votable. Who is responsible for this mistake? Whose is the fluke which was responsible for putting this post into the safe pocket of the Secretariat billiard table, so that we cannot hit it? I want to know why this post has been put down as non-votable. I submit, Sir, this is rather queer. I am not going to inquire into the antecedents of the officer.

**The Honourable Mr. W. M. Hailey :** I am responsible. It is a misprint, and the officer is votable.

**Rai J. N. Majumdar Bahadur :** I am sorry for the Honourable Finance Member that he was mistaken, and I really sympathise with him, that such an important thing should not only escape his notice, but escape even the notice of the Inspector of the Office Procedure.

This post, if the House will kindly excuse me, reminds me of the story of a Killer of King's Rats. In days of yore, there was a King whose name was Habla Chandra, that is, Dull Moon, and he had a Minister named Subudhisuraj, *i.e.*, a 'super-intelligent sun.' In those days, they were all sun or moon or descendants of sun and moon. There was no human being in those days. So, the super-intelligent Minister, in his heated imagination, thought that the King's interest would be promoted by the employment of a 'Killer of King's Rats.' He thought that there were Dacca Muslins, Murshidabad Silks and Kashmir Shawls which might be destroyed by the rats, and that the rats might also attract serpents; further, that the King's personal safety might be jeopardised, and that the rats might also bring in what is called 'plague.' So he proposed a special appointment, named, 'Killer of King's Rats.' There was the Lord Chamberlain, there was the household establishment, and there was a host of domestic servants to look about the rats. I do not want to point out to this House who the King Habla Chandra, that is, King Dull Moon, is, and who the Minister Subudhisuraj, that is, the super-intelligent Minister is in the parable. I shall only say, that this multiplication of offices should be avoided to save the taxpayer from further taxation. I find that 'an officer of suitable experience and standing should be appointed Inspector of Office Procedure and that the post should be either a permanent one, or should continue at least for ten years,' has been recommended by a Committee and a suitable officer, by some fluke I believe, was transferred from the billiard table of the Calcutta High Court to the safe pocket of the billiard table of the Imperial Secretariat. What have judicial procedure or judicial records to do with the office procedure of the Secretariat? The Honourable the Home Member is an expert in judicial procedure and also in Secretariat procedure, because he has adorned the High Court of Calcutta also and he knows that the sheristadar of a District Judge's Court is, perhaps, a better master of office procedure than even many Chief Justices of High Courts. Therefore, why should the Government not have appointed a sheristadar of a District Judge's Court? Why should the claims of all the Secretariat officers who have devoted their whole lives to office procedure be overlooked, and a new man be brought from the Calcutta High Court to fill this post? I believe, that was another fluke. I do not wish to enter into the question as to whose fluke it was, but that, however, I maintain, was a fluke. I do not wish to inquire whether this man had special experience of any merchant's office,

or the office of Rice Controller or a typewriting agency or any other office? So far as I know, merchants keep their records in an altogether different way to the Secretariats. I have nothing to do with the man personally. I am concerned with the office, with this redundant office and it should not be further entertained here.

**Mr. S. P. O'Donnell :** Sir, the appointment, to which Rai J. N. Majumdar Bahadar has taken objection, was made on the recommendation to the Government of India of the Secretariat Procedure Committee. That Committee made a very careful and detailed examination of the procedure in the Government of India offices, and they found that this procedure which had gradually grown up in course of time was defective in many respects and that it required simplification and modification in order to bring it up to date and adjust it to modern conditions. They recommended accordingly a series of detailed changes in procedure. I need not trouble the Assembly with their detailed recommendations. They are concerned with technical matters and are all set out in a Resolution which was published a short time ago. I notice, however, that the Honourable Member who moved this Resolution made no attempt to show that the recommendations of the Committee were in any way wrong. That perhaps was natural, because he opened his speech by saying that he had no knowledge of office procedure. The Committee, however, in making these recommendations regarding changes in procedure made one stipulation. They said that the full benefits of this new procedure would not be secured unless provision was made for the appointment of an officer specially charged with supervising office procedure and ensuring its progressive improvement and adaptation to changing conditions. Well, Sir, the Government of India accepted that recommendation and appointed Mr. Watson. I have no quarrel with the Honourable Member because he has come to a different conclusion from that of the Committee. But I should like to point out that this Committee was an exceptionally competent Committee. It was presided over by Sir Llewelyn Smith, who had had an unrivalled experience of office work in England, and it contained a number of other members who had also great experience of the working of Secretariats in this country and of commercial offices also, and I venture to suggest to the House that the recommendations of a body of that kind, a body which made a careful and detailed investigation of existing methods are not lightly to be set aside.

It is true that the procedure recommended by the Secretariat Committee has not yet been introduced, to any very great extent. That is due to purely temporary causes. It is due in part to the lack of mechanical appliances such as card indexes. It is due also to the fact that the Inspector of Office Procedure has been engaged on other duties in connection with the reorganisation of certain Departments of the Government of India and we have already had ample proof that in Mr. Watson we have secured the right man for the post, because the economies which he has already effected in the Departments which he has been reorganising, amount, I believe, to over 5 lakhs of recurring expenditure. I think that any business firm would agree that an appointment of this kind, an appointment on Rs. 2,250 a month, which had already in a few months secured economies to the extent I have mentioned, was a very sound business proposition.

Sir, this appointment has been challenged on the ground of economy, but the whole object of our proposal is simply economy. If we had done as the

[ Mr. S. P. O'Donnell. ]

Honourable Member, I suppose, would have desired us to do, if we had simply introduced the new procedure and made no arrangements for having this procedure continuously overhauled and adjusted to modern conditions, we should have made precisely the same mistake as was made in the past. The procedure would have become stereotyped, mechanical, dilatory and wasteful. The result would have been not economy but extravagance. I think that in a matter of this kind all Government offices would do well to take a leaf out of the book of America. In that country continuous efforts are made to adjust methods and systems of work to modern conditions, because the acute business man in that country realises that improvements in method mean a saving of time and saving of time means saving of money. The truth that time is money is just as applicable to Government work as it is to the work in commercial offices. It stands to reason that if the procedure in an office is dilatory, if it involves an unnecessary number of references, if it is cumbrous and out of date, the result is not economy but waste of money.

**Mr. Wali Mohamed Hussanally :** May I inquire whether the post of Inspector of Office Procedure is temporary or permanent or if temporary for how long?

**The Honourable Sir William Vincent :** It is on a permanent basis.

**Mr. Eardley Norton :** I hope the House will reject this amendment. The main offence which the Inspector in question seems to have given my Honourable friend, the Mover, is apparently that the latter has never heard of Mr. Watson before. I think the House will generally agree with me that there are many men of respectability and virtue whose names have not yet reached the ears of my Honourable friend from Jessore and it is possible, I do not suggest by way of imputation, that the officer in question may have had to overhaul, much to the discomfort of the Honourable gentlemen, some of his own office procedure in that somewhat remote township whence he comes. I speak with some little knowledge on this point, because I have seen the work of the Inspector in question in Bengal, and from what I know of him, he is an able, willing and efficient official, and I am ready, as well as glad, to testify that his work has resulted in great economy in Bengal. I believe his transfer from Bengal to the Imperial Government will result, as we are assured it has already resulted, in equal economy. The only doubt I had upon this point was whether the officer in question, who is no doubt a heavy man in more ways than one, pulls his full weight. As we have got an assurance that he does this, I think it would be improper for us to reject the certificate given to him both by his own past work and by those who are competent to appraise his services the present and the future, and, from that point of view, I ask this House to reject this amendment.

**Mr. B. Venkatapatiraju :** After the eloquent speech made by my Honourable friend, Mr. Norton, I think it necessary that I should rise to say a few words, because the Committee proposed that the appointment of an Inspector of Office Procedure should, as soon as possible, after the introduction of the reformed procedure in the Civil Secretariats, be taken into consideration.

Now we see in the Budget there are several appointments of Under Secretaries which, according to the recommendations of the Committee, should have

been abolished. That has not been done. It was also suggested that the posts of Registrars should be abolished. They have given the concession to the present incumbents that they might be allowed to continue. If the post is useless according to the Committee's recommendation, why should you not employ the Registrars elsewhere. Sir, on this question, I think the Government might do well to adopt all the proposals which go to economise the administration and not add up the figure just wherever they want to add, without effecting reductions wherever the Committee suggested that reduction should be made. I, therefore, suggest that Government might do something in the matter of reducing posts which were recommended by the Committee for abolition, before they add up. The Committee say, that the present post must be filled only after the reformed procedure is adopted.

**Mr. Sambanda Mudaliar :** Before I open my mind upon this Resolution I would like to premise at the outset that my observations should not be misconstrued as being said in support of the motion, but that whatever I say, is prompted by the desire to elicit information from Government. Now, if my information is correct, and I hope it is, I understand that when Lord Curzon was Viceroy, he made some rules to simplify the Secretariat procedure. I want the Government to throw some light on the question as to whether this is a fact.

**The Honourable Sir William Vincent :** It is a fact that such rules were made in Lord Curzon's time.

**Mr. Sambanda Mudaliar :** If it is a fact, that Lord Curzon made some rules with a view to simplify the Secretariat procedure and if those rules are in vogue now and if they are useful, then I do not understand the necessity or justification for the continuance of the appointment of this officer. Another argument, I would mention, is this, namely, that in the Local Governments, we do not see any appointment of this sort. I think, therefore, it is quite unnecessary for this Council to sanction the appointment unless the Government adduces some convincing reasons as to the utility of continuing this office.

**The Honourable Sir William Vincent :** Sir, my excuse for intervening in this debate is that I am largely responsible for recommending Mr. Watson for this post. I have had previous experience of his work in Bihar. I was a Judge at that time and I know that Mr. Watson, by his intimate knowledge of office work and procedure, was able to save Government both initial and recurring expenditure in my office. He has been of the greatest assistance to me personally on more occasions than one and I know other officers have found him equally helpful. The last speaker told us that no other Local Government employs an officer of this kind. Well, I may say, that Bengal and Bihar Governments did do so, and, as a matter of fact, it was with the greatest difficulty at one time that we secured the services of Mr. Watson, because the Bombay Government were anxious to secure his services to examine their Secretariat office system. The Government of India have constantly been accused of being wooden and antiluvian in their methods and the Secretary of State himself, in his pre-official days, did not spare us in this matter. He it was who recommended the appointment of this committee in the hope that we may bring our methods more up to date and we have now done the best we can in this direction in accordance with the recommendations of that committee which



[ Sir William Vincent.]

was presided over by a man of very great reputation throughout Great Britain, Sir Llewelyn Smith. I think he was in the Board of Trade for many years and he really is an expert at this work. That Committee also included one or two business men.

There is another aspect of this case which I want to touch and that is the extreme value of Mr. Watson's services in the selection of men for appointment as Assistants in the Secretariat. I do not think that Members of this Assembly can appreciate our difficulties in this matter. I have been a Secretary myself and I know them and the great danger there is of constant nepotism, of one family getting into an office and bringing in all its relations one after another. That has been a constant cause of trouble. We on the other hand want to get the best men and we believe that by having an Inspector of Office Procedure, who is also Chairman of the Staff Selection Board at the present moment, we have been able to secure that every candidate now gets what my friend, Dr. Gour, called the other day 'a fair field and no favour'. I have not the time, and no Secretary in the Government of India has the time, when there is a vacancy in his office to make the selection with the same care as is exercised by a regular Board, and we believe that in this way we have secured a very fair method of obtaining the best candidates for our work.

Further, new methods of doing office work are constantly being invented and I am sure, that every merchant from Bombay and the other side of India is ready to adopt them and use them for his own purpose. We, in the Government of India, are, I think, rather slow in taking up new ideas and it is advisable that we should be encouraged to do so by the advice of a practical expert. And Mr. Watson really is an expert on this matter. I may say this myself, and I am quite sure, that my Honourable Colleague, Mr. Hailey, will support me in this. As to saving money, I may say I worked with the Honourable Mr. Hailey in connection with the question of reduction of establishment in the Army Headquarters. We were able there, with Mr. Watson's advice and help, to recommend to the Honourable Army Member a very large reduction indeed of staff, to which he gave effect, thus saving the State large sums of money.

In these circumstances, I believe, if this Assembly rejects this vote, they will really be doing a disservice to economy.

**Babu K. C. Neogy:** Sir, I think it was I who first of all drew the attention of this House to this camouflaged item in the demands and I expected, that in reply to my Budget speech, Government would have had something to say in explanation as to how this item appeared in italics—privileged italics as I may call it. However, the only reference which the Honourable the Finance Member made to this question was that he was surprised that a Member from Bengal should have questioned the utility and ability of the officer selected for this appointment. I have no desire to enter into any disagreeable details of a personal nature, but I think, after what has fallen from several Members to-day, I may as well tell this House that it is because I come from Bengal that I happen to know something about the antecedents of this officer and how he began his career in Bengal. Without going into further details I may say, that I do not at all agree with Mr. Norton in what he has said about the merits of the changes that have been introduced on the recommendation of this officer. To my information, the Government of Bengal, the High Court of Calcutta

and the Government of Bihar and Orissa, where also this officer was employed for some time, have not adhered to the changes that were introduced on his recommendation, and, when he was found there to be altogether redundant, he was dumped on the Government of India.

Sir, it has been claimed that this officer has been instrumental in effecting great economy. I think the Honourable Mr. Hailey on the 8th of March put the amount of economy effected by this officer at 2½ lakhs and in these three days the amount of economy has gone up to five lakhs.

**The Honourable Mr. W. M. Hailey :** I rise for a personal explanation as the Honourable Member is quoting a statement of mine. I said 'in one Department'.

**Babu K. C. Neogy :** In one Department ! Well, I thought the Finance Department kept itself informed about the economies effected in all the Departments. However, when this question of economy has been raised, I say it was not for the purpose of effecting economy that the appointment of such an officer was recommended by the Llewelyn-Smith Committee. The Llewelyn-Smith Committee recommended the appointment of such an officer because they thought that a fair trial should be given to the scheme that was adumbrated in their report. It was not for the purpose of effecting economy that that suggestion was made, and I should have thought that the Finance Department was competent enough for the purpose of suggesting economy to the different administrative departments.

Now, Sir, I put some questions with regard to this officer and in reply it was stated by Mr. O'Donnell, that owing to various circumstances a trial to the procedure recommended by the Llewelyn-Smith Committee had not yet been given, but 'Mr. Watson has, however, been very fully employed in examining and reporting on the organisation of certain Departments of the Government of India and of certain attached offices and has already effected economies in the recurring expenditure of these offices which amount to sums many times in excess of his annual salary'. We want more specific details, and I challenge Government to appoint a committee of non-official Members of this House to go into the marvellous work that this officer is alleged to have accomplished in this short period of time. Mr. O'Donnell, I believe, did not quite realise the effect of his argument when he stated that this officer has been instrumental in rescuing us from a course of extravagance to which we have been committed so long. I cannot conceive of a greater self-condemnation than this. If that is so, I tell you, that we can have no confidence in the Government. Let us look into the whole thing and find out how you have been extravagantly spending our money in this matter of the Secretariat establishment so long.

A good deal has been said about Sir Llewelyn-Smith's qualifications. It is said, 'Oh ! he was in the Board of Trade'. That does not very much matter. Sir Llewelyn-Smith may be the greatest expert going, but the question is, did Sir Llewelyn-Smith recommend this particular officer for the appointment ?

**The Honourable Mr. W. M. Hailey (and others) :** Yes.

**Babu K. C. Neogy :** He did ! Well, if so, I stand corrected. But we forget that he was himself a Member of that Committee.

[Babu K. C. Neogy.]

Reference has also been made to this officer's work in connection with the Staff Selection Board. I am prepared to admit that Government have done all that they could do to manufacture some work for this officer.

**Mr. H. E. Spry :** Sir, my intervention in this debate is caused by the speech to which we have just listened. I have a great suspicion that my friend, Babu K. C. Neogy, has as little knowledge of office procedure as my friend, the Rai Bahadur from Jessore. Mr. Neogy has introduced, it seems to me, a somewhat personal element into this debate in that not only does he object to the post which is under discussion, but he objects also to Mr. Watson being its incumbent, and, if I understood him aright, he went so far as to say that he was in a position, apparently from his own personal knowledge, to say that Mr. Watson's work in Bengal was either not satisfactory at all or, at any rate, was not so satisfactory as to justify him being dumped on the Government of India. The picture of the Government of Bengal dumping anything on the Government of India is refreshingly new to me. But, on the point that I am discussing, the fitness of Mr. Watson for this post and the character of Mr. Watson's work in Bengal, I am prepared to join issue with Mr. Neogy at once. And I emphatically deny that, as he says, Mr. Watson's work in Bengal was not satisfactory and that it did not result in considerable economies. I know from my own personal experience that it was both satisfactory and did result in very considerable economies.

**Mr. Manmohandas Ramji :** May I rise to a point of order? We are not discussing the personality of a certain officer. The question before us is one of principle.

**The Honourable the President :** Order, order, Mr. Spry.

**Mr. H. E. Spry :** The work of this officer in Bengal resulted in material economies, not only in the High Court but also in the Secretariat; and I hope the House will take it from me that Mr. Neogy's statement in respect of Mr. Watson's fitness for this post is misleading.

**Mr. S. C. Shahani :** Sir, I rise to protest against this manner of criticism. It is only fair that Mr. Neogy should come out with the antecedents of the officer in question to which he has referred. Insinuations would not do credit to anybody. The point under consideration is whether or not we should improve the office procedure, which has been recognised to be somewhat antediluvian. The Government has sought to improve its office procedure. I fail to understand how Mr. Neogy argues that the Government of India is on that account not fit to enjoy the confidence of this House. I should be ashamed to make insinuations against the Government with regard to any proposal that comes before us.

**Munshi Iswar Saran :** Sir, I am afraid some of us have fallen into an error in taking up the question, whether this particular gentleman who has been appointed by the Government of India is a fit and proper person to hold this post or not. My submission is, that our function in this Assembly is to discuss questions of principle, and only in grave and serious cases should we sit in judgment on the conduct or qualifications of individual officers. For aught I know to the contrary, this gentleman, Mr. Watson, may be a very good man for the post that he has been given, and I am really sorry that in his zeal, my Honourable friend, Mr. Neogy, has

permitted himself to say things which I am perfectly certain he will regret in his calmer moments.

Sir, I entirely agreed with the Honourable Sir William Vincent when he referred to the Government of India and its characterisation by Mr. Montagu before he became Secretary of State. I do not wish, Sir, to repeat those most elegant, choice, and just expressions that were used by Mr. Montagu. Everybody here remembers them, and having that characterisation in view I do not think many of us will be tempted to disagree with the Honourable Sir William Vincent that an officer like the one we are discussing now is needed to make the work of the Government of India a little more expeditious, systematic, modern and 'up to date'. But there is one thing, Sir, which I am afraid I have not been able to understand. I find that constant appeals are made to us by the gentlemen who occupy the Government benches to look at things from a business point of view. Well, in commercial concerns you get a man to overhaul your entire machinery, and I suppose, after the overhauling is done, you ask the man to go. His work is finished. The post is only temporary and is not made permanent. I listened to the speeches of the Honourable Sir William Vincent and Mr. O'Donnell, and I am afraid—I speak with diffidence—I did not feel convinced that this post should be made permanent. As regards the temporary appointment of an officer to set right the procedure of the Government of India, I can understand that; but I do not understand, Sir, I confess candidly, why this gentleman should be made permanent. Let him look into the work; let him set it right, and let this post be abolished after that. With the particular officer who fills the post we, as Members of this Assembly, are not concerned. But I submit that as long as a more satisfactory explanation is not given by either the Honourable Sir William Vincent or Mr. O'Donnell, I am afraid I must stick to my opinion that the post is needed but that it is needed only temporarily.

**Mr. E. L. Price:** Sir, I suggest that an answer to the Honourable Member's question is very easy. When there shall appear in the world a private business as large as the business of the Government of India, I am perfectly certain then, that a business of that size will require a permanent and not a temporary officer of this kind.

**Sir L. P. Watson:** Sir, I am not connected with any business, so large as the Government of India, but I happen to be associated with a fairly large business, and we have found it necessary to engage an officer permanently to supervise and keep our accounts system up to date. He was employed by the Government of India. The Government of India, in my opinion, did not recognise his value. But at any rate when he came to us, he received Rs. 400 more a month than he was getting from Government and it is our intention to keep him in the business with which I am connected as long as he cares to stay with us.

**The Honourable Mr. W. M. Hailey:** Sir, I feel after what Mr. Iswar Saran has said, and very rightly said, that we also on this side of the House ought to treat this discussion as relating to an appointment, and not to a person. I should, I must say, have welcomed an opportunity for repudiating those personal charges which Mr. Neogy has brought against the officer in question. I should have welcomed an opportunity of proving, what I will now only deny, that this officer was dumped on the Government of India. So

[Mr. W. M. Hailey.]

much I must say, because the charge is a stigma on all of us. I should again have been glad to take the opportunity of disproving what I can now only repudiate with scorn, the suggestion that we have purposely manufactured work for him. We are sometimes charged with being knaves, but I have always found in my experience of this world that it is unsafe to charge a person with being at the same time both a knave and a fool. Yet this is what the charge amounts to.

Now I pass from the question as to the merits of the officer himself to the general charge against Government, the charge that we have been guilty of gross extravagance in appointing a staff in which so many reductions were subsequently found necessary by this officer. That we have effected these reductions is true. We can certify the fact that very considerable reductions in establishments have been made owing to the creation of this post of Inspector of Office Procedure. When my Honourable friend, Mr. Neogy, demands that a committee should be appointed to examine into the truth of the statement we have made on the subject, I say, that he insults us. Does he suppose we come down to this House—we who have been responsible for years for the executive government of this country—that we come down here and tell a deliberate untruth? However, if the House so desires, I am perfectly willing to put the facts before the Standing Committee.

(Cries of 'No, No'.)

Well, at all events let me explain the facts about the reductions referred to. During the war large numbers of temporary establishment were added to the Secretariat; and necessarily so, for in very many branches the work had largely increased. When the war came to an end, it became a question between the Finance Department and the various Departments in which these temporary hands were employed as to how many of them were needed and how many could be dispensed with. It is then that you need an expert who can go into the office, to sit there, to go through its daily tale of receipts and issues and give you advice which because it is expert you can accept without further question, as to what reductions can be made. It is in consequence of such an inquiry that reductions have now been made. And if reductions of this class have been made, so far from our being charged with gross extravagance we ought to be complimented on a due sense of economy and responsibility towards the public finances.

Now, Sir, I desire, at the expense of detaining the House still further, to refer briefly to the work of the Llewelyn-Smith Committee. I was a member of that committee, and I beg, that my Honourable friends here will not attempt to throw further doubt on the selection of Sir Llewelyn-Smith as chairman of this inquiry. He was a man of unique capacity for it. It was Sir Llewelyn-Smith's constant advice frequently expressed to us, that the hard work that we had put in as members of the Secretariat Procedure Committee should not be allowed to be wasted. It is, I am afraid, a not unusual habit with Governments to appoint an expensive and expert committee and then either to delay giving effect to their recommendations or even to allow their recommendations to be pigeon-holed. I have often heard it alleged that we are in the habit of consulting a very expensive physician and then fail to send the prescription to the chemist. His recommendation was that if possible an officer should be appointed to continually supervise the routine work of our offices at the point it was being done, a thing which no officer otherwise busily

engaged can find time to do, that he should see to the introduction of the card index system, that he should see to the introduction of a revised system of printing up our notes, that he should see to innumerable other steps which were recommended by that committee in order to expedite work and to save money. Unless an officer is continually engaged on this work, the new system would lapse back into the old. It is perfectly true, as Mr. Iswar Saran says, that that appointment has been made permanent, though I may remind him that the officer in question cannot hope for a permanent life; but we are discussing the Budget of the present year, and if at any time this House considers that the work has been finished and that the Inspector is no longer necessary, it is always possible for the House to cut the post out of the Budget. If the House wishes to decide at any time whether the continuance of the post is required or not, I need not say that we should welcome the visit of any Member of this Assembly to see the work that is being done and judge of its necessity or otherwise.

But there is a larger question, Sir, and again I apologise, Sir, for detaining the House in order to explain what appears to me to be the main purport of the Llewelyn-Smith Committee. It was this: We have had for a long time here in the Government of India Secretariat a highly-devoted body of ministerial officers to whose work we are all under the very greatest obligation, to whose sense of loyalty and of devotion I myself cannot express sufficient gratitude. But, Sir, that body of men had not always been judiciously chosen, and the first point that we had to arrange for was the selection of new recruits in such a manner that its upper grades should be of practically the same class and the same capacity as the Provincial Civil Services. This was necessary if, as we intended, our Secretariat Staff should gradually take the place of many of the superior and more highly-paid officers who now come to us from the Provinces; not only would this be an economy, but we always expect to find officers coming up from the provinces to serve in the Government of India since in the future the provinces, with their own increase of work, are not likely to let them go. We want to train our ministerial staff in a way that they shall be able to take all the routine work and much also of our more responsible work off our hands; there is no reason why our ministerial staff should not take the place of our Under Secretaries and in time of our Deputy Secretaries. That is my own belief, and that is what we put forward in the Llewelyn-Smith Committee. Now, if you are to have that, you need first of all a selection committee, such as was recommended by Sir Llewelyn-Smith, a body which could choose your staff from all over India and not from a single centre only, which can choose it, as the Honourable Sir William Vincent said, with impartiality and with an expert knowledge. Then, having improved the class and capacity of the staff we need to re-organise the office work so that the purely routine work can be done by purely routine hands, and the upper office staff left to develop that sense of responsibility and independence which is essential if they are subsequently to take up the higher grades of work. That was our aim, Sir, and I have detained the House in order to justify our claim, that it is absolutely necessary, if you utilise this expensive body of men—for they are now expensive—to the best advantage, you must have a proper office procedure that will set them free from purely routine work and drudgery and let them exercise their brains, in the right direction. Sir, in justification of my belief that this office staff properly handled, and given proper responsibility, can eventually take a far larger share of work off our hands, I can only refer to my personal experience of some members of that staff. I have in mind now

[Mr. W. M. Hailey.]

an officer who began on, I think, on a low scale of pay in one of our offices. He has passed through a brilliant career in almost every branch of our accounts office; he has been Accountant General; he has been the confidential adviser of the railways in regard to the reorganisation of their own staffs. As a matter of fact, his services have now been asked for by a company—mind you, a commercial undertaking—on a sum of Rs. 3,500 a month to reorganise and revise their office staffs and their working. I have in mind another officer who came to us as Assistant Secretary, who is now filling a very high post in the Government of India. I have in mind yet another officer who was never, it is true, a ministerial officer, but who was an Assistant Secretary in our department—and it is the class of efficient Assistant Secretaries which we wish to create in the first place by this re-organisation—of whom it is only necessary to say that he has for some time been the guide, philosopher and friend of our department and is now a Member of this Assembly.

**Rai J. N. Majumdar Bahadur :** Sir, I am very sorry that personal topics have been introduced in a matter which had nothing to do with any particular person. The whole of my motion was, that the post of Inspector of Office Procedure should be abolished as being not necessary, and I do not know why any of my Honourable friends on the Government side should have introduced the personality of the officer who has been appointed to this post. I think it was that which gave rise to the discussion on the merits of the particular person. I am utterly ignorant of the present incumbent of that post; I do not remember even to have seen him at all. He may be a very good officer, or he may be a very bad officer; that has nothing to do with the case at all; but from the testimonials that have been already given to him by my Honourable friend, Sir William Vincent, I am quite sure, that he is quite fit for the post to which he has been appointed, and I think in fact he deserves something higher and that he should one day aspire to higher posts. I have nothing to say to that. My point is, why should this new office be created at all? That is my point. My Honourable friend, the Finance Minister, of course, had something to say against my Honourable friend, Mr. Neogy, on account of the introduction of personalities; but I think he is himself to blame to a certain extent on account of bringing up personalities in reply to the discussion of the Budget on this point to Mr. Neogy. He said, that the officer was an excellent officer and that any one from Bengal should not question the ability of that officer. I think that was a challenge offered to some of the people from Bengal who knew that officer to say what they thought about him; and, therefore, after inviting that challenge I do not think my Honourable friend, the Finance Member, has acted in a very wise or calm or cool manner, as he should have done; he should not have been so irate against an Honourable Member who only accepted his challenge. My blood, Sir, is cold like that of a fish in water; and I do not seek to rouse the indignation of this House or ask them to be indignant against the Honourable the Finance Member or against my friend, Mr. Neogy. What I say is this: Leave aside this question of personalities. The estimable gentleman who has been appointed to this post may be a very good officer, and I hope and I pray to God that one day he may become a Finance Member or even Prime Minister of England. But that has nothing to do with me. What I say is, that in every Department you have Secretaries enjoying Rs. 4,000 a month. My Honourable friend, Sir William Vincent, says, that he himself has been a Secretary and that he knows the difficulties of the office.

But all that difficulty has been there all these years and it has not been necessary to create this post. It was a war difficulty. During the time of the war some new offices were created and I think that my Honourable friend, the Finance Member, as well as my Honourable friend, the Home Member, whom I have known for many years, have brains enough to see that such posts as were no longer required after the war should be abolished.

It was not necessary to appoint a new man for the purpose of abolishing new posts in the ministerial establishment or for the purpose of examining what the needs of the various Departments are. If the Secretaries are too busy,—of course they are all too busy now a days,—they have their Deputy Secretaries, Under Secretaries, Assistant Secretaries, Registrars and Superintendents, all enjoying, I should say, princely salaries, who can as well do the work of this officer as in the past. But, I confess, Sir, with all my eagerness to co-operate with my Honourable friend, the Finance Member, and the Honourable the Home Member, I cannot see my way to support them in their arguments to justify the continuance of this officer's post. I have always tried my best to support the Government, but when I find that the Government is obviously wrong, I certainly cannot see my way to support them. There is no question of the personal element in this matter at all, but there is a great question of principle involved in this. There are so many responsible officers, so many highly educated men in the Government of India who have passed the Indian Civil Service Examination, who have been performing the functions of this newly created officer all these days, and if they are not competent to find out how many hands are required for a permanent Department, I say, it will be pleading guilty to inefficiency. Either the present officers are efficient or they are not. If you say, they are efficient, then certainly they can perform this simple function for which this new post has been created. If you say, they are not efficient, then it requires overhauling.

Well, Sir, I know there is something like a Manual of Office Procedure, a Manual of Practice and Procedure. Is there any such Manual of Office Procedure for the Imperial Secretariat? Let me see, Sir, what that Manual is. Let me know who compiled this Manual, whose duty it was to regulate the office procedure all these years. The Imperial Secretariat has not come into existence from the blue heavens all of a sudden; it has been in existence for many years. Was there any Manual of Office Procedure in this Secretariat all these years or not? If there was any, I should like to know how the Manual of Office Procedure has been found wanting, and in what respects it has been found defective, necessitating the creation of a post on such a high salary. As I said, there are many officers, all enjoying princely salaries, and I should like to know if all these people have been unable to cope with the work which the new incumbent has been called upon to perform. These are questions which everybody feels should be asked, and if they cannot be satisfactorily answered, I think every one in this House, official or non-official, would say that this is a post which has been created without any justification and perhaps by a mistake. Of course, mistakes sometimes do creep in, just as my Honourable friend, the Finance Minister, has committed a mistake in including this post among what is called non-votable items, and I think this mistake too should be rectified at the earliest opportunity. My Honourable friend, the Finance Member, will be frank in this matter, as he always is whenever he commits a mistake and I hope, now that we have pointed out his mistake, he will readily rectify it.



[ Rai J. N. Majumdar Bahadur. ]

Of course, it has been said, and rightly too, that many new posts had to be created during the great war to cope with increased work in the various Departments, but the war is now over, there is no fear of any invasion anywhere, and so I do not see any reason whatever why we should have this new post now.

The Honourable the Finance Member says with the shrewdness with which he is naturally gifted, that though the appointment has been made permanent, this House can abolish it whenever it thinks that the post is not necessary. Is that a very easy thing to do? Sir, if this post is made a permanent one, we all know how very difficult it will be to abolish it. If, say, after a year we make a suggestion to abolish this post,—I do not know how we could do it,—the Honourable the Finance Minister will come down on us with his thunder and say, ‘Oh, you people do not know how to manage offices; we know everything, and you should not interfere.’ One of my Honourable friends just now said, that we have no office experience. But, Sir, I have some office experience and I know how very difficult it is to abolish a post when once it is made a permanent one. Therefore, Sir, I rise to the height of my full sense of responsibility, and appeal to all my Colleagues in this House, official as well as non-official, to see that this is a superfluous post, and that the tendency of the Government of India is to be too extravagant, and unless it is checked I do not know what we are coming in for. We are already going to be taxed, and we do not know what sort of future we have before us. Therefore, I say, that though the sum provided for is a small amount, Rs. 27,450, still at this time we should not be extravagant.

**Sir Jamsetjee Jeejeebhoy :** Sir, I move that the question be now put.

**Mr. Wali Mohamed Hussanally :** I rise to a point order, Sir, with your permission. As soon as the Honourable Mr. Hailey sat down, my friend, Mr. Majumdar, rose to speak and he was behind me when I rose at the same time to say a few words, I could not see him. However, before I could say a few words, the President allowed Mr. Majumdar to speak in reply and I have lost my right to speak. Of course, I have given up my right this time, but I want a ruling, Sir, if a Member wishes to speak on the original motion itself, will he not be allowed to do so before the Mover of the original motion rises to reply?

**The Honourable the President :** The Chair will do everything in its power to preserve the rights of Members who wish to speak. The Honourable Member has chosen a peculiarly unfortunate case to raise a point of that kind.

I would like to point out to the Assembly, that if matters are debated at this length, they will find, at the end of the time allotted, many important subjects remaining for debate and they will, then, no doubt be labouring under a sense of grievance at the exclusion of questions they wish to discuss. I say that now, in order that Members may consider, in the time that remains, which of the various demands are the most important, and, within those demands, which of the motions for reduction are to be regarded as raising questions of substantial merit.

**The Honourable the President:** The question is that the question be now put.

The motion was adopted.

**The Honourable the President:** The question is :

‘That the item ‘Inspector of Office Procedure—Rs. 27,450’ on page 64 be omitted.’

\* The motion was negatived.

**Rai J. N. Majumdar Bahadur:** Sir, I call for a division.

**The Honourable the President:** Will those who wish to claim a division on this motion kindly rise in their places.

(Only Rai J. N. Majumdar Bahadur rose.)

**The Honourable the President:** I would call the attention of the Assembly to the fact that this is a gross instance of a frivolously claimed division.

#### TEMPORARY SUPERINTENDENTS.

**Bhai Man Singh:** Sir, the motion which stands in my name is :

‘That the provision of Rs. 15,500 for the pay of two temporary Superintendents be reduced by Rs. 7,500 (page 64).’

**The Honourable the President:** Order, order. The Honourable Member must address the Chair, and will he kindly speak a little louder ?

**Bhai Man Singh:** Sir, a large number of subjects have now been allotted to Provincial Governments. Honourable Members of this House have, even in this short time, on many occasions heard the official replies that such and such subjects concern the Local Governments, and sometimes on very important subjects the Government Members have told the House that the matter is the concern of Local Governments.

**The Honourable the President:** Which reduction is the Honourable Member moving.

**Bhai Man Singh:** I am moving No. 3 in to-day's agenda. This being the case, Honourable Members can see that the Secretariat staff should be relieved of a lot of work they had formerly to do. With the decrease of work, the staff should naturally be decreased ; but we find that absolutely no reduction has been made. On the other hand, we find further on that certain new posts have been created, to which I will refer later on. But the whole reason of my argument in proposing this reduction, as well as several others, is, that with the decrease of work, when so many subjects have been transferred, there is absolutely no reason why there should be no reduction in the staff. I hope, that Honourable Members of this House will see the reasonableness of my contention which does not need any long argument. With these remarks, I put the motion.

**Mr. S. P. O'Donnell:** Sir, I should like to point out, to begin with, that the word ‘temporary’ which appears on page 64 is a mistake. The number of Superintendents which we have in the Home Department at present is 6, and we have had that number since the year 1914. I think any one who realises what the growth of the work of the Department has been will understand that it is quite impossible to make any reduction. So far from it being possible to make a reduction, the only question will be whether it will be possible for the Department to continue to cope with the additional work which will fall upon it owing to the introduction of the reforms. I think every

[ Mr. S. P. O'Donnell.]

Honourable Member will realise that the creation of the Indian Legislature, the fact that the work of the Departments is now being done in close touch with the representatives of the public, means a very large addition to the work falling on the Departments. That was the view taken by the Joint Committee based, no doubt, on their experience of the working of a constitutional Government in England, and all the experience which we have had at this session tends to confirm that view.

**Bhai Man Singh :** Sir, the reduction which I have suggested is in the two posts of temporary Superintendents. If we go on repeating all these posts every year, it means that they are no longer temporary. At the time they were introduced, they were temporary posts and I want them reduced by one, which is a very modest request.

**The Honourable the President :** The question is :

‘ That the provision of Rs. 15,600 for the pay of two temporary Superintendents be reduced by Rs. 7,800 (page 64).’

The motion was negatived.

#### OFFICERS ON SPECIAL DUTY.

**Bhai Man Singh :** The second motion that I propose, Sir, is :

‘ That the provision of Rs. 18,000 for the salary of two officers on special duty be omitted (page 65).’

I submit, Sir, that I have got in the new Budget the complete staff of one officer on special duty. The total expenditure on this staff comes to Rs. 95,000, or practically a lakh. The pay of the officer on special duty is given in bold type and appears to be non-votable.

**The Honourable Sir William Vincent :** I shall raise no objection if the Honourable Member includes that item in his amendment. It is down in italics, but I am quite prepared to face the music on it as well.

**Bhai Man Singh :** Seeing the letters in bold type, I have not in this particular motion included the officer on special duty for whom Rs. 24,000 had been allotted, and further on, I find large amounts for his establishments. As regards the lump provision for establishments, it having been agreed upon amongst ourselves that these lump provisions should be left to the Finance Committee, and the Finance Department having given us an undertaking that they will be spent in consultation with, and with the concurrence of, the Finance Committee, I have not touched these amounts myself. I take objection, really speaking, to all these new establishments being allowed. I cannot understand, Sir, why absolutely no reduction is being made and we are asked to vote more and more and more for quite new officers with their full establishments. I would request this House to be strictly economical and see that while we are going to place on the poor tax-payer such high taxes just now, we exercise the strictest economy and reject these demands.

**The Honourable Sir William Vincent :** Sir, I should have been quite glad if the vote for Rs. 24,000 to which the Honourable Member referred, had been included in this amendment, but the principle I can illustrate equally well on the vote for Rs. 18,000 as on the other vote.

Now, one of the accusations that is constantly brought against the Government of India and against all bureaucratic Governments is, that it

adopts a policy of secrecy. I do not know how often I have been attacked in this Chamber, and in the predecessor of this Chamber, on this very account, and I believe that one of the first symptoms of increasing democratic power is taking the people into your confidence. This is done in every civilised country in the world. In England, the Government takes the greatest care to put forward and publish for the information of general public its views and the reasons for its policy. The new era in this country will be one of Government by discussion. If that is so, surely it necessitates some machinery for the information of the public. For if not, you have that fatal result of an ill-informed public opinion deciding questions of policy without knowing what the facts are. It has been well said by an author of a book I was reading the other day :

‘ We are just perhaps beginning to realise that half educated opinion is dangerous when brought to bear on public affairs, as also that it is a creative and stabilising influence when it is informed.’

Now, if that is true of an ordinary form of Government how much more true is it of a Government such as the Government of India so far removed from many parts of the country ? Is it not true that sometimes people refer to our Government as a rather great and soulless machine unapproachable, unsympathetic. If so, it is only when Government can get a chance of speaking to the public that the public can gain in regard to our policy the impression that Government is a thinking and feeling entity, which really is working for the public welfare.

Now, as to the functions of these two officers, one is Mr. Bajpai, I am introducing no personal question because as a matter of fact he is admittedly a young Indian of great ability and has worked with conspicuous success. I may mention the fact to show that this is not a racial question at all. Both he and the other officer in subordination to whom he works, are used to inform the public of Government policy, to publish the views of Government for the information of the public on various points. To state what our policy is, explaining what we have done and what we have not done, I believe these efforts at distributing information serve a double purpose for, in addition to giving the public information, it exposes Government to very useful and searching criticism. They explain what we are doing, and the more we are criticised and public opinion differs from us, the more we shall be compelled to modify our views.

Let me take a subject like non-co-operation which is a very pressing danger before the country. Are we not entitled as the Government of this country to use every means we can, to show up the dangers and evils of that movement ? Is it our duty to let this unfortunate country go on to her ruin without even informing the public of the dangers into which it is running ? Take the question of Bolshevism again. Is it not our duty to give the public all the information we have and to take every opportunity we can of informing the public of what the dangers of the movement are ? Is it not fair that the Government policy towards movements of this kind should not be made known to all the people of this country ? That is really what we are seeking to do by the use of these officers employed for the scientific distribution of information. Besides this one officer of the Department, Professor Rushbrook Williams, writes for us the Moral and Material Progress Report, of which many Members of this House have undoubtedly heard, and which has proved a work of the greatest value both here, in Europe and in America. We send it everywhere and it sells like hot cakes. Well, we

[ Sir William Vincent.]

found that this officer could not do the whole of the work of his Department alone and it was necessary to employ an assistant to help him in the various duties he has to perform. I may say he has to do work for the Army Department, the Finance Department, the Home Department, the Education Department and every other Department; and his services can always be employed in connection with some new projects for forest work or irrigation. He is the channel through which all information about the work of Government can be disseminated. We found that it was quite impossible for him to manage alone and particularly as he often has to go on tour so we were obliged to appoint an assistant, a young Indian gentleman who, I am glad to say, is doing the work extremely well. His appointment covers Rs. 12,000 out of the Rs. 18,000. The odd 6,000 is for an additional officer we may require to employ for six months. This Department of Information—or whatever you like to call it—is doing an immense amount of good and we are very anxious to extend our activities in this direction as much as possible.

I hope I shall have the support of the Assembly over this demand. We have no subsidized newspapers, but we must make efforts to push information regarding the policy of Government to every corner of India, if only to avoid unjust misrepresentation.

**Rao Bahadur T. Rangachariar:** Sir, I hope I am right in thinking that what the Honourable Sir William Vincent is referring to is the publicity campaign which is being carried on by the Government of India. As a Member of the Madras Publicity Board, I shall not consider that I am doing my duty unless I complain that the provision for publicity under this head is totally inadequate for the purpose.

Sir, if Madras can afford a large provision for publicity purposes, I think they are setting a good example to the Government of India and one which should be copied. Their publicity campaign is not carried on solely by an official of Government but by a very able officer, called Mr. Gwynne, who is an Irishman. He is a very sympathetic Civil Servant and is controlled in his work by the non-official Board of which I have the honour to be a member. The Board consists of about four Europeans, six or seven Hindus, three or four Muhammadans, and one Indian Christian.

One matter which came up before the Board for sanction was regarding the question of the non-co-operation movement. We issued leaflets by the thousand and I can say that Madras can take credit for sending their electors to the polling stations in larger numbers than any other Province.

Meanwhile, we hesitated before we acquainted the public with the dangers of Bolshevism. I well remember a communication coming from Delhi or Simla urging the Madras Publicity officer to carry on a campaign against Bolshevism and we were restrained from teaching the public about the dangers of Bolshevism because we were of the opinion that we should be doing more harm than good, and our view prevailed over that of the Government of India in that connection. We have done useful work, and I can safely say, without infringing any ideas of modesty that we are carrying on campaigns, not only in reference to political matters but we are dealing with questions of health, industrial questions, and imparting a knowledge of scientific subjects not merely relating to Government policy, but we are imparting useful knowledge to the public generally. We are spending over a lakh of rupees in that direction and if Madras can afford to do that, then, I think, the Government of India

should spend even more. Another complaint I have to make is, that I do not know why the Government of India have not followed the practice of Madras and appointed a Board for this purpose. But, if they did, it must be entirely a non-official Board and free from suspicion, because much of the objection to this Department is that it is not controlled by any non-official. If the Government of India constituted a Board like we have in Madras and had, say, a monthly meeting at which everything could be brought up and discussed, then nothing would go on without the knowledge of the Board under whose control the present officers would be, and I think this would be a very useful step in the right direction, and much of the suspicion that is now felt would disappear. If, Sir, such a Board could be established and information sent out to people in different parts of the country in the vernacular, then the Government will have done good work. It is no use merely trusting to your own officers and mistrusting the non-officials.

**Mr. Jamnadas Dwarkadas:** Sir, I do not want to detain the House on this question more than I can possibly help. I value, Sir, the advice that you were good enough to give to the Assembly to save time so that we may be able to go through all the important business that is before us. But, Sir, I cannot help making a few observations against the motion for reduction that has been made by my Honourable friend, Bhai Man Singh.

I endorse, in doing so, every word that has fallen from my Honourable friend, Mr. Rangachariar, and I join with him in complaining that instead of bringing in a motion for reduction, he did not find it possible to bring in a motion for increasing the allowance that is made to this Department. I want my Honourable friend, Bhai Man Singh, and other Members of the House to remember that the number of voters in the whole country now is I think a little more than 6 millions. It used to be 33 thousand; it is more than six millions now. We are living in times when our representative character in this Assembly and the representative character of the Members of the Provincial Councils is brought into question by those who do not believe in the present Government and who are anxious to destroy the Government altogether. I ask whether, for the purpose of protecting our interests, it is not necessary that we should help Government in scattering correct information among the people, among the voters whose representatives we claim to be and to whom we shall have again to go at the end of three years to render an account of the work that we have done and to claim their vote again for admission into this Assembly? It has been pointed out already, Sir, that ignorance is the worst calamity that can betake the country and, if we did not help this organisation which spreads correct information throughout the country, I think we should be encouraging the work of keeping our masses ignorant and we should not be doing our duty by those whom we claim to represent here.

I claim also to have had some knowledge of this kind of work when I was intimately connected with the work of the Home Rule League, and I assure you, that if we were successful in popularising the Congress League Scheme and in getting a declaration made by the Secretary of State, it was by spreading all the available information in every possible corner of every district in the Bombay Presidency. To-day, the non-co-operators are doing the same thing. They are going round and they are spreading all possible information that they can get, whether it is right or wrong, by means, foul or fair, among every class of people. They are able to approach all classes

[ Mr. Jamnadas Dwarkadas. ]

of the people. We used to accuse the Government of being unable to approach the people and say that they remained at a distance from the people, that they did not take the people into their confidence, and now, when an honest attempt is being made to make the position of Government clear before the people, to lay before the people openly what the policy of Government is in regard to the various important questions, when Government are helping us, representatives of the people, who share the responsibility to a certain extent of the Government with them, in making our own position clear among the people, by making our work known among the people at a time like this, to come out and to ask for a reduction of this grant is, I think, a disservice to the country, a disservice to ourselves, and a disservice to the cause that is dear to us all. I hope this motion for reduction will be rejected.

**Mr. Sachchidananda Sinha :** Sir, my only justification for intervening in the debate is that I strongly feel that the Assembly will make a great mistake in accepting the motion of Bhai Man Singh. I have taken for some years past a certain amount of interest in the work of the Publicity Bureau, and I have put from time to time questions to elicit information. I am quite satisfied that at the present moment the Publicity Bureau is doing essentially good work, and its abolition or the curtailment of its staff will go a great way in hampering the Government in placing before the country correct and accurate information of which we are so badly in need at present. In ordinary times, Sir, it would have been possible for us to contend that the existence of a Publicity Bureau was superfluous, but we know that at the present moment a very hostile and bitter propaganda is being carried on against the Government, and against those who stand by the Government, in the name of Swaraj and in the name of the attainment of self-Government within this year. There are people in that movement who are sincere and honest and who act within the bounds of propriety. At the same time, a large number of people masquerading under the name of non-co-operators are indulging all over the country, in writings and speeches, which are not only inflammatory but which are absolutely false in the statements which they make about the Government. It is, therefore, incumbent upon all discriminating supporters of the Government to strengthen the hands of the Government in this matter by asking, if possible, for a larger fund, for the purpose of placing before the public accurate and correct data on which we can form our own opinion. I, therefore, feel that if the motion of Bhai Man Singh is accepted, it will hamper the Government to a large extent. It is not a personal question about Mr. Rushbrook Williams or Mr. Bajpai. It is a principle which is at stake and I hope, therefore, the Assembly will endeavour to persuade Bhai Man Singh to withdraw his motion, but if he persists, that the Assembly will reject it.

**Bhai Man Singh :** Sir, when I proposed the motion, I had absolutely no data before me as to what purpose the creation of this new post would serve, or what this new Department was made for. Now that I find most of my friends are in favour of having this Department, I have no objection to withdrawing my motion, but I would like to say two things about it before I finish with the subject. One is, that personally I have had some experience of the work of the Publicity Bureau in the Punjab and I might say that I am not in favour of it. Whatever good may have been intended, I think a great deal of harm was done in one form or another, because the facts were not wisely handled and even went to help the prosecution. I can only remark that we are not speaking in our own interests as

private individuals but we have come forward as workers for the public. I personally would be the last man to wish even to spend a single pice out of the public funds to clear my position. If my constituents are satisfied that I am justified in standing up before the Assembly or that I am justified in working there or that I have done some service, I am satisfied. We may find many other means for doing it but I would be the last person to provide anything from public funds for the purpose.

With these remarks I beg to withdraw the amendment.

The motion was, by leave of the Assembly, withdrawn.

The Assembly then adjourned for Lunch till Two of the Clock.

The Assembly re-assembled after Lunch at Two of the Clock. The Deputy President was in the Chair.

#### VISIT OF AN AMERICAN LECTURER.

**Mr. B. S. Kamat:** I beg to move, Sir:

‘That the provision of Rs. 25,000 for charges in connection with the visit of an American Lecturer be omitted.’

Honourable Members will find this item on page 66, somewhere about the middle of the page, under ‘Special Charges’. My object in moving this small omission is to elicit from Government an expression of opinion why it is necessary this year to provide for this visit of an American lecturer, and secondly, to induce them also, if possible, to omit this item entirely. We have seen, Sir, that this year is a year of deficit, and I believe, as we have enough of lecturers in this country, we should be spared the luxury of an American lecturer to come and lecture to us. I wish, therefore, Government will give us some explanation about this item, and also omit it entirely so that the money thus saved may go for some other necessary expenditure.

**The Honourable Sir William Vincent:** Sir, this is not a matter of the same importance as the last demand. At the same time it is a matter of some moment, and I hope that the Assembly may find themselves able to support Government over the motion which has been made by the Honourable Mover. The real position is this. We have found for many years that the ignorance in America regarding Indian affairs is perfectly abysmal. Mr. O'Donnell told me just now a story of an Indian official who went a few years ago to America and had an interview with a newspaper reporter there, the result of it being a paragraph with a startling headline: ‘Interview with an Indian Official. There is a Railway in India. Such a thing exists’. But it is not merely a question of ignorance regarding this country. In recent years a large number of reports, which are injurious to India as a whole, to Indian culture, to Indian education, to Indian intelligence and also—I am interested in that subject—to the Indian Government have been widely disseminated in America by the extremist class of politicians—revolutionary politicians really—which exist there. I have here one or two of the leaflets which I myself have seen. Here is one. Last year, as Honourable Members may remember, proposals were put forward by the Calcutta Improvement Trust to move the Mint from one site to another in Calcutta. This is what was reported in a News Leaflet published in America by the Friends of Freedom for India on this matter:

‘Bolshevist revolution breaks out in India. Calcutta, the seat of Government, convulsed by rebellion. British remove Mint to shelter of guns of Fort’.



[ Sir William Vincent.]

Now, in any ordinary country, that would not matter. But, as I have said, it is dangerous in America because the ignorance of Indian affairs is so surprising. In the same number, there was another statement that the Government of India, owing to strikes on the Railway, had been unable to transfer its headquarters from Delhi to Simla. This was equally untrue. Still more damaging perhaps to the status of India is the frequently reiterated assertion that the whole of Indian constitutional aspiration is revolutionary and Bolshevik in tone. I cite here from an article in another paper inspired by the Ghadr party. I suppose all Honourable Members of this Assembly know, and certainly Honourable Members from the Punjab will know, what the Ghadr party is.

‘ Moderate political leaders throw in their lot with revolutionaries ’.

That is, of course, only the heading. Here is another one which I think casts a serious reflection on Hindus. Perhaps many Honourable Members of this Assembly will remember the assassination in very cruel circumstances of Mr. Willoughby last year. It was done by Muhammiadan fanatics. But the News Leaflet issued by the Ghadr party describes it thus :

‘ Hindu Sinn Feiner shoots oppressive English official to eternity ’.

This is the kind of thing that is being disseminated throughout the United States where many of the people are absolutely ignorant of any of the facts about India. And following our policy of disseminating both inside and outside India correct information as to what the state of education and intellect of India is, what Indian culture is, what the constitutional position is, what our irrigation policy is, what our Railways have done, what the educational system is, and so on, we thought that we must take some steps to provide facilities to secure that some more accurate information was published in America, and for this reason we invited Dr. Clark, an American lecturer, to visit India, to deliver a course of lectures in Indian Universities, which I think will be very valuable, to study India's conditions, to study Indian culture, to study the whole social and economic position of India on the spot, and then go back to inform the American people, and to spread there accurate information about this country the greatness of which is entirely unappreciated in America by that people. We believe that this ignorance of Indian affairs is really injurious not only to the Government, but to Indian prestige, and that it is prejudicial to all commercial and social relations, and we desire to remove it. It is of course equally injurious to the Government. Last year I had the opportunity of meeting a very interesting non-official from America at the house of my Honourable Colleague, Mr. Hailey, and I asked him as to whether we need be apprehensive that our work in India was being misrepresented in America. He said that he thought that we need not fear misrepresentation much, but that it was desirable that we should take steps to spread information about this country in America that they might learn to appreciate not only what the Government were doing, but also what the people were doing, and what stage had been reached in political and social progress. For that reason we thought it advisable to take steps to secure this object. Accordingly we in the first place sent a lecturer across to America to lecture at the Harvard University on Indian conditions generally. That is not the subject of this Resolution, but I should like to mention the fact. Further, we invited Dr. Clark, whose lectures attract thousands, as I am informed, to come to India at a cost of Rs. 25,000 in

order that he might see for himself what the position here is. We are not going to attempt to influence in any way his opinion. He can appeal to anybody he likes in order to learn the facts. After completing his inquiries he will go back to America and put the information he has gathered before the American people, so that this country may not at least be discredited by the misrepresentations now prevalent. If the Assembly think that it is a waste of money we shall have to give up the proposal, but I myself believe it to be a project likely to be of much benefit to India. We are, however, quite willing to give up this sum if the Assembly think that it is not our duty to spread accurate information of what this country really is in a foreign country where there is abysmal ignorance of the true state of affairs.

**Mr. T. V. Seshagiri Ayyar:** I admit, Sir, with the Honourable the Home Member, that there is a great deal of misconception about India not only in America, but even in England. I believe it has been said in some of the English papers that the Secretary of State for India is himself ignorant with regard to many matters appertaining to India. But the way in which the Honourable Member is setting about to remove this misconception is very peculiar. If we are going to get a lecturer from America to come to India to lecture first of all to us, and to get first-hand information regarding our habits, our manners, and the mode of government in order that he might go back and inform the American people of what we are and what we do, then we shall be obliged to get a man from Belgium, to get a man from France, to get a man from Germany, to get a man from Japan, China and every other country so that he might come here and know something about our ways and means in this country and then go back to his country and tell his people how we are and what we do in order that the misconception may be removed. I think, Sir, that this is a mode of procedure which is altogether unheard of. First of all, I would suggest to the Honourable the Home Member that he should send somebody to go to England and enlighten the English people regarding ourselves. If he could get the English people to know everything about India, I think the people of America would become much better acquainted with all that is going on here than by getting lecturers from America to come here. I understand that the Honourable the Home Member does not attach much importance to the lecture which Dr. Clark is to deliver. He has not said anything about it. No doubt, the Honourable the Home Member said that he was a very eloquent lecturer who would be able to attract large audiences. I believe you will be able to find a large number of people here who can attract large audiences. The purpose is not to get a person to enlighten us, but to get that man enlightened so that he may go back and spread correct information about India. If once this Assembly commits itself to a procedure like this, there will be no end to missionaries being invited and sent back with information upon India. This is an incorrect procedure and ought to be discouraged.

**Rao Bahadur T. Rangachariar:** Sir, what I wanted to say has been said by my friend Mr. Seshagiri Ayyar. But one point which I wish to press upon the Honourable the Home Member is this. How long is this American gentleman going to stay with us, and is he going to be a globe-trotter at our expense and pass from city to city? How many of you English gentlemen know about India—those of you who have been here 20 years, 30 years? I put it to you really, that embarking on such a thing is absolutely useless in my opinion. I am sorry I could not go in greater detail into the matter; the

[ Rao Bahadur T. Rangachariar. ]

time of the Assembly is very precious. I was travelling with an English gentleman the other day who said he had been in Bombay for 30 years, and he asked me coolly whether I was a Muhammadan. So much knowledge English people themselves who come in contact with us possess about us! Then, as regards ignorance, well, was there any serious attempt made when Lord Sydenham and his friends went about saying in England that India was in a revolutionary state and that Indians were not fitted for reforms? That would have been a more useful work to have done at the time of the reforms. I think any money spent in England to educate the people there that we are an ancient and civilised people and not revolutionary, as some people would wish the English people to believe, would be much better spent than getting an American to come to us, spend a few weeks at our expense and then go back with a true knowledge of India. I would not trust him to expound me and my countrymen to the Americans. If men like Vivekananda would not give a true knowledge of India to Americans, I hardly think that an American coming here for a few weeks is going to take back a real knowledge of the real condition of affairs here. I think it is money wasted, and I would therefore urge upon the Government of India not to embark upon this plan.

**Mr. N. M. Joshi:** I think the idea underlying the appointment of an American lecturer is rather fantastic. The number of people who are spreading information, correct or otherwise, can be counted by hundreds, and I cannot see how this one gentleman who is quite new to India, by coming here and learning something about India, is going to counteract by lectures the impression which these hundreds of people are creating in America. Besides the Indians resident in America, hundreds of Christian missionaries give lectures in America, and in order to get the sympathy of the American people tell stories about India which are also often incorrect. Moreover, I think there is something in the climate of America which makes people exaggerate and invent rumours and news. Sir, I came back from America in the month of April last, and after a few days, the Inspector-General of Police, Bombay, called me to his office and asked me whether I had delivered a series of lectures under the auspices of the Indian Home Rule League in America. I asked him what made him think so. He said, 'I have received news from America.' I only told him that he should change his agents in America.

**Lieut.-Colonel H. A. J. Gidney:** Mr. President, believing as I do that half truth is nothing but the blackest lie, and believing, as the Honourable the Home Member has shown to us, that the mission of this American gentleman is to find the whole truth about India, whether it be to our advantage or not, and convinced as I am that a good deal of the world not excluding England, knows only half the truth about this great country, I consider that the entertainment of this American gentleman at a small sum of Rs. 25,000 will be well spent.

**Rai Bahadur Pandit J. L. Bhargava:** Sir, I support this reduction as I think that the expenditure provided for charges in connection with the visit of an American lecturer is quite unnecessary and not at all called for. I hope this Assembly will vote for the reduction.

**Rai Bahadur Bakshi Sohan Lal:** I also support the motion for reduction.

**Babu J. N. Mukherjea :** I rise to support the amendment, because, in my humble judgment, if the demand means the initiation of a new policy, we cannot expect to have any return for the money that we may spend in this direction. There are newspapers and other agencies which are spreading news in America and other parts of the world. There are also learned societies in America established by the followers of Swami Vivekananda, also societies for the study of the Vedanta philosophy who do something about India, and in fact, there are temples, if I may say so, Vaishnava temples and other temples in America which help towards disseminating knowledge about Indian civilisation and different other things. So that, if all these agencies could not make any impression upon the Americans, it cannot be expected that the proposed appointment of an American lecturer in India will be of any help to us in informing the American people more thoroughly about this country. It seems to me, therefore, Sir, that the money will not be worth spending, and I beg to support the amendment.

**Mr. Wali Mohamed Hussanally :** Instead of getting a lecturer from America for a study of the conditions here and asking him to go back to America to lecture there, I think our first duty should be to send out a lecturer to Afghanistan, our neighbour, to inform the Amir what we are and what we do. I say this. A little while ago we learnt that the Amir of Afghanistan was going to invade India and conquer it because the people of India were going to have another mutiny, and I think that my proposal would pay better than spending this Rs. 25,000 upon an American lecturer.

**Mr. Jamnadas Dwarkadas :** Sir, I am afraid the Government of India will be landing themselves in a good deal of trouble and complications if they create this precedent of paying for a lecturer in America. As has just been pointed out by my Honourable friend here, questions will be asked of the Government why lecturers should not be sent out to Afghanistan, or to this place or that place where there is rank ignorance about India and is doing harm to India. Besides, who is to determine as to the fitness of the lecturer to give correct knowledge about India? I think that the work had better be left to the various learned societies that exist in America, and I can assure you, Sir, that I know of one or two societies particularly which are trying their best to spread correct information about India, and certainly these societies do not want any help from the Government. I can speak with some knowledge about the work of the Theosophical Society in America which has been recognised in many quarters, and this Society has been spreading most correct information about the art, the culture and the religion of India and general information about the Indian people. I think, therefore, Sir, that Mr. Kamat's motion for reduction should be accepted by this Assembly and this precedent ought not to be created.

**Mr. B. S. Kamat :** Sir, the Honourable the Home Member has justified this item on the ground that there is colossal ignorance in America about Indian conditions, and he thinks it would be a great advantage if an American lecturer were brought here and sent back to lecture to the Americans. The House will permit me to explain my own personal impressions. I was in America 18 months ago and happened to be the guest of a Professor in the Harvard University. Some journalists came to me for an interview, and I know perfectly well that their ignorance about Indian matters was really

[ Mr. B. S. Kamat. ]

colossal. But there are two sides, Sir, to this question. While, on the one hand, the ignorance in America about Indian conditions is so great, it will be practically hopeless to overtake that ignorance by the employment of one lecturer. Just as in England, so also in America, the ordinary man in the street, who does not read, knows absolutely nothing about India's civilisation, its Government, or politics, but there is also, on the other hand, in America, as also in England, a class of people who have studied about India and who know the conditions about Indian social matters, her politics, her religions, her Vedantic philosophy, and her astrology, in fact, everything Indian. As a matter of fact I was surprised to see in the general library at New York every blue book that the Government of India has issued, and the man who cares to read of the doings of the Government of India will find any volume he wants in this library regarding conditions in India. On the other hand, even the most well-informed person in America may not know what a Hindu is and what a Muhammadan is, and I really think, Sir, that the employment of one lecturer who would be brought out at the expense of the Government of India and go back to America could do nothing to overtake all the misrepresentations and the bad rumours that have been spread in that country. I think, therefore, that this item is absolutely futile to meet the object in view. I know there are several societies which are spreading correct knowledge about the conditions in India, but my own experience there was that to one lecturer who may give facts and correct impressions, there are perhaps a hundred others who are spreading exaggerated, and sometimes false, notions about the political conditions in India. Therefore, as my Honourable friend Mr. Seshagiri Aiyar observed, it is a novel procedure to invite a man to a foreign country, to coach him up in Indian conditions, to bring and send him back at our own expense to speak for the Government of India. People in America will never believe such a man because he has been sent at the expense of the Government of India and holds a brief for them. I therefore move that this item be omitted.

**The Honourable Sir William Vincent:** I fancy that the feeling of the Assembly is against me on this item. But I should like to explain why we propose this experiment and why we began with America. America is a great English-speaking republic to which we are, Great Britain is and the British Empire is and will for many years to come be, more closely drawn than to any other country in the world, and for this reason it is important that America should be well informed on Indian affairs. In the second place, we have in America a very large number of these Indian Ghadriles, Indian revolutionaries, who are perpetually spreading false news about the country and it was to counteract that that we thought of employing this lecturer. The person whom we proposed to appoint is a man of very scholarly attainments, but in no sense an official. We had no idea of influencing him or getting him to take the Government view. Our idea was that he should come out to this country and get for himself accurate appreciation of the situation. That was what we thought was the most reasonable way of proceeding in this matter. He was not to be a Government nominee, and it was not our intention to get hold of a man who might be a suspect. However, as I have said, this is not a matter of vital importance and if the Assembly thinks that the money is not well spent, the Government will have to accede to their wishes in this matter.

**The Honourable the President :** The question is that this provision\* be omitted.

The motion was adopted.

#### DEPUTY SECRETARY IN THE HOME DEPARTMENT.

**Bhai Man Singh :** Sir, most of the amendments of which I had given notice have been rejected. The only other point about which I have any objection is that of a Deputy Secretary in the Home Department. Under the new budget we are asked to vote for two Deputy Secretaries instead of one. The item itself is non-votable, but we have to see in granting the whole amount whether this is justifiable or not. The work is bound to decrease under the new arrangement, and I cannot understand why we should be asked to vote for a new post of Deputy Secretary. It would mean about Rs. 23,000 yearly.

**The Honourable Sir William Vincent :** I could not hear the Honourable Member, but if I understood him correctly he complained of our entertaining two Deputy Secretaries in the Home Department. I must point out first of all that the item for two Deputy Secretaries (in italics) is not votable. But I am quite willing to explain that for some time the work in the Home Department has been increasing, and for some years I was pressed to employ additional staff. In consequence of this we had at one time to appoint an Additional Secretary, the superior staff then being a Secretary, an Additional Secretary and one Deputy Secretary. We then abolished the post of Additional Secretary and put on an extra Deputy Secretary at half the cost to save money to Government, and that is the explanation for the Additional Deputy Secretary, which item is not votable by this Chamber.

**Bhai Man Singh :** The other items have been also rejected and there is no use of my pressing this motion. I withdraw this motion.

The motion was, by leave of the Assembly, withdrawn.

#### DEPUTY FINANCIAL ADVISER.

**Bhai Man Singh :** The next amendment that stands in my name is :

‘That the provision of Rs. 16,200 for the pay of one Deputy Financial Adviser be omitted.’

Last year we find that under the head of Financial Adviser, Military Finance, we had one Deputy Financial Adviser. This year we have three instead of one. These are non-votable, but I say that if we are going to have three Deputy Financial Advisers, there is absolutely no reason why we should not reduce the one post in question. I think the House will see the reasonableness of my motion.

**The Honourable Mr. W. M. Hailey :** I have some difficulty in answering the Honourable Member, Sir. Up to the present he has not given any reason that I can understand for making a reduction of the post he proposes. I assume, however, that his argument is that, because we have added two posts

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\* Vide page 937 of these Debates.

[Mr. W. M. Hailey.]

which do not come within the purview of the Council, he has good ground for suggesting that we should reduce one junior post.

Now, Sir, the reason why we have added, or propose to add, two Deputy Financial Advisers to the Army is this. We found that the Financial Adviser to the Army, expert and energetic as this officer may be, is nevertheless unable to scrutinise in person all the multitudinous details involved in the recent great increase of Army activities. When I say increase of Army activities, I do not mean to refer to the fact that the Army is paying more to the various components of its service; but we are now feeding and clothing the Army by direct arrangement instead of giving grants to the men or to units. We are now keeping up an Air Force; we are now keeping up a great deal of mobile transport. These are all new activities within the Army itself, and I think the House will very easily understand that, when you add a large commercial or semi-commercial transaction of this nature to the Army, it is necessary that the operations, if you are to secure economy, should be very carefully watched and scrutinised on the financial side. Members of the House who have read the Esher Committee's Report will remember that this particular measure, the addition of Deputy Financial Advisers in each of the major branches of Army work, was recommended by that Committee. But the scheme is not due in the first place to the recommendations of the Esher Committee. As the result of somewhat searching investigations that were carried on last year by a sub-committee of the Executive Council into the whole arena of Army finance and financial arrangements, we had already decided that it was necessary to give the Financial Adviser support and assistance if he was to undertake properly the examination of modern and exceedingly ramified financial transactions of the Army.

Now, I beg that the House will not be misled by the use of the term 'Financial Adviser'. The function of the Financial Adviser and his staff is not merely to give advice to the Army regarding financial matters. They are the representatives of the Finance Department within the Army; to this extent they represent a system of 'expenditure control'. The result of the increase of Army activities means that they must keep themselves thoroughly informed of all the facts regarding the purchase of grain, the purchase of food, clothing and the like; they must watch carefully the figures of recruitment and demobilisation to see that strengths are not exceeded; they must keep themselves informed as regards the operations in the Ordnance factories, and must apply in practice the results of the costing account system which we have now applied in those factories. Those are operations which are essential to the economical working of the Army. We, ourselves, in our scheme of financial control within the Army, have gone far below what has been thought necessary in England, and I do not think that, if the House examines the circumstances and realises the work which these officers have to do, it will think that we have been unduly extravagant in our scheme of Army financial control. I claim that we have put in the minimum number of officers possible, and I am fully persuaded that, if we do not keep up within the Army itself this system of expenditure control, the result will be a loss of economy. The Army, though it may contain many business men and men of administrative talent, does nevertheless need constant check, constant advice and constant control in its financial affairs, and it is to assist this object that we have appointed these two extra Deputy Financial Advisers.

**Bhai Man Singh :** Well, Sir, I do not deny the fact that we do need financial control in the Army, but the question is, whether all these new posts are absolutely necessary and whether we are to allow that. This really means so much additional burden upon the Army, though of course it is put under the Finance Department head. So it is for the House to say whether we should allow all those items or make any reductions.

**The Deputy President :** The question is :

‘ That the provision of Rs. 16,200 for the pay of one Deputy Financial Adviser (page 69) be omitted.’

The motion was negatived.

#### ASSISTANT FINANCIAL ADVISER.

**Bhai Man Singh :** Sir, the motion that I have to put before the House is :

‘ That the provision of Rs. 37,920 for the salary of 3 Assistant Financial Advisers (page 69) be reduced to Rs. 15,600.’

Here again, the question is the same that, instead of one Assistant Financial Adviser during the last year, we require to have three others, and to my mind that is quite extra.

**The Deputy President :** Does the Honourable Member withdraw the motion?

**Bhai Man Singh :** No, Sir.

**The Honourable Mr. W. M. Hailey :** I understood the Honourable Member to say that the increase was ‘ quite natural ’ and I was, therefore, expecting him to withdraw the motion.

I have nothing further to say to the House on this subject. Deputy Financial Advisers are necessary in the larger branches of the Army, such as the Quartermaster General's Branch and the Adjutant General's Branch. Assistant Financial Advisers are necessary in regard to the smaller branches of the Army, and exactly the same argument applies. I do not honestly believe that it would be economical on the part of this House to refuse us this assistance in carrying out the expenditure control of the Army.

**Mr. Wali Mohamed Hussanally :** May I inquire, Sir, why all this expenditure on finance should not be debitable to the Army? Why is it given under the head of ‘ General Administration ’?

**The Honourable Mr. W. M. Hailey :** I hope I may have the indulgence of the House to speak again in reply to this particular question. It would be an entire inversion of the proper procedure if we were to allow the Army to superintend the control of its own finances. The House will realise that the effect of having financial control under the Finance Member, and therefore under the Civil Government, is to place within the Army itself a guardian that is appointed, superintended and controlled from outside. What the Honourable Member apparently desires is this, that the Army should pay for its own Financial Advisers; if it pays for them, it will also apparently superintend and control them. In both cases, of course, their pay comes out of the



[ Mr. W. M. Hailey. ]

finances of the country and would simply mean a transfer from one page to another ; but if the House will take my advice, it will leave them exactly where they are instead of transferring them to Army control.

**The Deputy President :** The question is :

‘ That the provision of Rs. 37,920 for the salary of 3 Assistant Financial Advisers (page 69) be reduced to Rs. 15,600.’

The motion was negatived.

#### ASSISTANT SECRETARIES’ PAY.

**Bhai Man Singh :** Well, Sir, about the Commerce Department, I find that there are two Assistant Secretaries newly introduced whose pay is about Rs. 24,000. They are quite new posts and they should not be allowed. I therefore move :

‘ That the provision of Rs. 24,000 for pay of two Assistant Secretaries (page 70) be omitted.’

**Mr. C. A. Innes :** Sir, I should like first to explain that the Commerce Department, through no fault of its own, has been laid open to attack by a misprint. In the Budget for 1921-22 we are shown as going to have three Deputy Secretaries. That is a misprint. We are to have two, which is precisely the same as we have now.

I now turn to the exact question which has been raised by Bhai Man Singh, namely, whether the provision for two Assistant Secretaries should be omitted ; and I should like to explain how my office is organised. It is divided into the following branches :—

1. Shipping Branch.
2. Special Branch, which deals with Emigration, the German Peace Treaty and other matters of that kind.
3. Posts and Telegraphs Branch.
4. Commerce Branch.
5. Customs Branch.
6. Insurance Branch.

Now the Honourable Mr. Hailey explained this morning the general reasons why these appointments of Assistant Secretaries were created last year. We have in the Department of Commerce two of these Assistant Secretaries. The first one is employed in the Emigration Branch, and he also deals with shipping cases. Now there has been recently in India—and I think quite rightly—a demand for a more active policy on the part of the Government of India in regard to emigration matters. We have been accused—possibly rightly—of allowing things in the Colonies and in foreign countries to drift until we have got into a mess and then of devoting ourselves to getting out of that mess. It has been suggested that we should have a much more live policy, and should keep in touch with Indians in the Colonies and in other places, and by taking these precautions, prevent things from drifting too far. Only a few days ago with this end in view, a motion was brought up in the Council of State that a new Department, entirely devoted to emigration, should be

created in the Government of India. What have we got at present to deal with emigration matters? We have half the time of an Assistant Secretary, half the time of a Deputy Secretary, part of my time and part of the Honourable Sir George Barnes' time. Considering the importance of the question, considering how large it looms in the public mind, I ask the House whether they think that there is room for reduction, and whether the Assistant Secretary is an extravagance.

I now turn to the Posts and Telegraphs Branch. Here we have a whole-time Assistant Secretary. He sends up cases to a Deputy Secretary, who also deals with emigration, and, as in the case of emigration, Posts and Telegraph cases are dealt with by an Assistant Secretary, and occupy part of a Deputy Secretary's time, part of my time and part of the Honourable Sir George Barnes' time. Now, Sir, we are accused of being too extravagant in the Government of India. In the Postal Department in London, I find that they have a Postmaster General, an Assistant Postmaster General, a Private Secretary to the Postmaster General, a Secretary to the Post Office, a Private Secretary and Second Secretary to that Secretary, and seven first-class Assistants drawn from precisely the same class, as we Indian Civilians are drawn from. Out here, on the contrary, we deal with this immense Department which employs over 100,000 men, by means of an Assistant Secretary, part of the time of a Deputy Secretary, part of my time and part of my Honourable Member's time. I ask the House, Sir, with great confidence whether we are extravagant, and I am quite sure that in the light of this explanation Bhai Man Singh will withdraw his motion.

**Bhai Man Singh:** Sir, I withdraw my motion \*; and I do not intend to move the next two motions, on the List of Business.

The motion was, by leave of the Assembly, withdrawn.

#### COST OF GENERAL ADMINISTRATION.

**Rao Bahadur T. Rangachariar:** Sir, my motion is:

'That the Demand under head General Administration (No. 14) be reduced by 20 lakhs.'

Honourable Members will notice that this is not a very modest request. I quite admit that, but, at the same time, the rate of progress at which expenditure has been getting up in this Department has not been modest. That is my excuse for making this immodest request. I notice that in 1916-1917 General Administration cost about 39 lakhs, and it rose to 46 lakhs and again 47 lakhs last year. Honourable Members will note that at page 64 the accounts show 74 lakhs; so between 1916-17 and 1919-20, the expenditure rose from 39 lakhs to 74 lakhs. Now, Sir, if again you look at the budget estimate for 1920-21, the last but one column on page 60, you will find our friend the Finance Member is responsible for a lot of increase. He budgetted very modestly for Rs. 6,20,000 for his Department, but the actual expenditure grew up to Rs. 10,51,000 in 1920-21. That was in the Finance Department. Similarly, my Honourable friend interested in the Home Department (Sir William Vincent) will find that he budgetted for 14 lakhs and spent about 17 lakhs in

\* *vide* page 946 of these Debates.

[ Rao Bahadur T. Rangachariar.]

1920-21. And similarly in other Departments also, Honourable Members will notice there has been considerable increase. I know one Department was transferred last year—the Department of Munitions—to General Administration, and that accounts for, I believe, 6 lakhs. But on the whole this tremendous increase within this year is a matter which requires close scrutiny. I should not have asked for such a scrutiny if the terms of reference of that Committee to which reference was made this morning had embraced this question also, but I am afraid I do not find among the terms of reference that the Committee is to make any report as to where retrenchment can be made and in what directions retrenchment can be effected. I was glad to hear that this Inspector of Office Procedure has been able to show some improvement in economy, and that already in the course of a very short period he has been able to effect a saving of 5 lakhs. If that is so, I gladly welcome his acquisition to the Government, and I hope that during the year we are going through he will be able to so examine the procedure in offices as to point out to the Finance Committee sitting in the course of the year where retrenchment can be effected.

I do think that with the devolution of powers to the various heads of Departments with the decentralisation which is in vogue and also with the transfer of subjects which has been effected very largely to the Provinces, the work in the Central Government Departments should diminish. I quite agree that the Legislative Department has got added work; but I have not touched the Legislative Department although there are really two departments, the Legislative Body, and the Legislative Department, both of which show an increase. But even the Legislative Department cannot account, or rather our activities cannot account, for all this large increase in the expenditure. After all the Legislative Bodies sit only for two or two and a half months between January and March and again for two months perhaps in August and September.

I may also point out that the recommendations made by this Procedure Committee which was referred to this morning have not been carried out. They recommended that Under Secretaries—I shall stand corrected if I am wrong—should be abolished in the several departments, except in one department, either Home or Finance, I forget which now—the Finance Department. Then they also recommended the abolition of Joint Secretaries. I find, Sir, that provision has been made in the Budget for Joint Secretaries and for Under Secretaries. If the recommendations of that Committee are so sacrosanct as they have been made out to be by such eminent people as we have heard this morning, how is it these recommendations have not been carried out? Of course, it is impossible, as a man who always takes the practical view of things, to say all at once 'You shall cut down the Budget under this head by 20 lakhs'. But that is the only way in which I could bring before this Assembly the extravagance which I see rampant in this general administration. Has it been investigated by anybody? With all this transference of powers to Local Governments and other heads of Departments, how is it that the expenditure on the Central Government goes on multiplying like this? The Central Government should set an example in economy to Local Governments. I find that the cry everywhere, in all the local Councils is 'Oh, this extravagance'. In every budget debate, in Bengal, Madras, Bombay, in every Province you will find the cry of Honourable Members is the same. How has

this administration grown so enormously? Here, Sir, there is ample justification for scrutiny, and I hope there will be considerable scrutiny during the current year; and if the Honourable the Finance Member will put this gentleman, the Inspector of Office Procedure, to that task first, I shall be most grateful and the country will be most grateful if some way could be found to reduce this expenditure. My object in doing this is simply to draw the attention of the Assembly to this growth in expenditure in all these years.

**The Honourable Sir William Vincent:** Sir, the Home Department is on very safe ground on this occasion, I am glad to say; because, if Honourable Members will look at the estimates, they will see that the estimate for 1920-21 was only Rs. 14,67,700, or less than last year: the expenditure last year was, it is true, Rs. 17 lakhs and exceeded the estimate, but the increase was due really to three causes: (1) revisions of pay of establishment. I think everyone knows that prices have gone up and it is quite impossible to keep the wages of your establishment at previous rates. There has, however, been no rise in the pay of any of the superior officers in the Department. I think it is correct to say that no extra pay has been given to any of the superior officers, Secretaries or Deputy Secretaries. Secondly, we have the officer employed in the Information Bureau, Mr. Rushbrook-Williams, to whom attention has been drawn, and his pay has to be met out of the Budget. Thirdly, there was a small increase under Reforms, but that was only a small item. If Honourable Members will look, however, at the Budget for the present year, it is reduced from Rs. 14,67,700 to Rs. 14,11,000, that is, three lakhs less than the expenditure of last year; and I do not think that Honourable Members really expect us to take off 20 lakhs from this reduced grant. I shall leave it to other Members of the Government to explain for their own Departments.

**The Honourable Mr. W. M. Hailey:** Sir, I understand the complaint of the Honourable Member to be that the figures placed in the Budget for the coming year largely exceed those of the revised estimate for the present year. The facts are of course that the revised estimate for the present year is approximately Rs. 95 lakhs, and the Budget estimate for the coming year is Rs. 97½ lakhs, or an increase of 2½ lakhs of rupees. Well, Sir, the greater part of the addition in cost is due to a cause which I do not in any way regret, and the Assembly is hardly in a position to regret; for, if the Members of the House will scan the items on page 60, they will see that, whereas in the revised estimate of 1920-21 the legislative bodies are responsible for Rs. 1,69,000, in the Budget estimate for 1921-22 they will be responsible for very nearly 8 lakhs; that is to say, there will be an increase of very nearly 6 lakhs in the case of legislative bodies. The total increase in this head of demand being only 2½ lakhs, there has obviously been a considerable decrease in the claims of the Departments for expenditure. I think, Sir, that explanation should in itself be sufficient for the House.

**Mr. B. Venkatapatiraju:** Sir, on this question there are four amendments; and instead of taking up the time of the Assembly by speaking separately on each amendment, I may request the President to allow the question to be discussed generally so that all Members who have given notice of amendments may speak one after another instead of having separate discussions on all these amendments. The question, Sir, is this: there are suggestions for reduction of this grant by Rs. 2 lakhs, Rs. 5 lakhs, Rs. 6½ lakhs and Rs. 20 lakhs. The object evidently of all these motions is that the

[ Mr. B. Venkatapatiraju. ]

proposers are not satisfied with the abnormal growth which we see in the estimates. Whatever may be the rise in wages, Sir, is there any explanation either from the Home Member or the Finance Member as to why there is an increase in five years of something like 250 per cent? Is there any justification for it? I have glanced through the report of the Secretariat Procedure Committee; and, though I find here and there a strong remark that it would be helpful in the reduction of expenditure, there is nothing to indicate that they have directed their attention at all with reference to this point of how to reduce this expenditure. The expenditure has grown 250 per cent. or two and a half times in five years, and I think it is high time we looked into it. I would ask whether the revenue of the country has grown, or whether the wealth of the country has grown, to that extent. Whether our treasury be full or empty it does not apparently matter—this grows on like sin, adding one after another and rising up to any figure. Therefore, Sir, I appeal to Members of this Assembly just to direct the attention of the Government to the fact that after all economy is a virtue which ought to be practised early by the Government. In America, during the presidency of Mr. Taft, they appointed a committee specially to look into their administration, and the committee was able to reduce the expenditure by several millions. No committee has been appointed here, with special directions to try to reduce the expenditure, because nobody seems to be anxious to reduce the expenditure. Therefore, Sir, it is absolutely necessary that we should express our disapproval of this enormous growth by asking for a reduction of this grant by whatever amount—5 or 6 lakhs. The proposals for reduction only show that we cannot at all look with equanimity and keep silence over such an abnormal increase from year to year. It may be that the increase is only Rs. 2½ lakhs as compared with the previous year, but it is much more when compared with previous years. It is now only that we have the right of reducing these figures when we think it is necessary to do so and, therefore, we are emboldened to put forward concrete proposals for reduction.

In previous years the members have expressed their dissatisfaction by pious

3 P.M. Resolutions and by pious requests, but now we have the power,

let us exercise it, not to paralyse the Government, but to show our dissatisfaction at the way in which our expenditure is rising by leaps and bounds.

**Mr. E. L. Price:** Sir, I move that the question be now put.

**Rao Bahadur T. Rangachariar:** Sir, the Honourable the Finance Member compared the present figure only with the revised figure for last year, but I asked him to compare the figure with the Budget figure for last year and the actual accounts for 1919-20. There is an increase from Rs. 74 lakhs to Rs. 94 lakhs in these two years, and that shows the rate of progress which requires to be examined. Further, the Honourable Mr. Hailey has not given me any assurance that he is going to have these matters investigated. If he had given that assurance, it would have meant something but, so long as he does not give it, I think I must press my motion.

**Mr. Piyari Lal Misra:** Sir, after Mr. Raju's motion my motion comes but, fortunately or unfortunately, all the previous items have been rejected. I have, however, noted some items on which I should like to have some information from the Government benches. At page 74 there is a post of Assistant

Secretary in the Public Works Department on Rs. 800 per mensem or Rs. 9,600 per annum. This is entirely a new post.

Then, Sir, there is a bonus of Rs. 25,000 granted to one Mr. Brebner. I should like to have some light thrown on this, as to why this gentleman has been granted the bonus, and whether he has been given merely the bonus and also a pension.

Then, again, on page 66, in the Legislative Department, there are two Solicitors appointed. My submission is that one Solicitor would be quite enough, and if my suggestion is accepted a saving of Rs. 30,000 could be effected. This is so far as votable items are concerned. But may I have the permission, Sir, to ask for some information from the Honourable the Home Member regarding an item on page 66? It relates to one Assistant Examiner of Questioned Documents. We want only information; we know it is not votable. The figure given is Rs. 9,120. We want some light thrown on this.

(At this stage the Honourable the President resumed the Chair.)

Then, at page 72, another new appointment of Assistant Secretary, carrying a salary of Rs. 18,780 per annum has been made in the Railway Board. That is a new appointment, and I should like to have some information on all these appointments.

**Rao Bahadur T. Rangachariar :** I want to suggest for your consideration, Sir, that I am prepared to accept item No. 19 on the agenda as an amendment to my Resolution.

**The Honourable the President :** Does the Honourable Member say that he wishes to accept the reduction of two lakhs if Mr. Neogy moves it?

**Rao Bahadur T. Rangachariar :** Yes, Sir.

**The Honourable the President :** Did the Honourable Member (Mr. Neogy) move his amendment?

**Rao Bahadur T. Rangachariar :** Not yet.

**The Honourable the President :** The question is :

\* That the demand under head 'General Administration (No. 14) be reduced by 20 lacs'.

**Mr. T. V. Seshagiri Ayyar :** Sir, may I make an appeal to the Members on the Government benches to give us an assurance that they will take steps to retrench expenditure.

There is a general discontent regarding the growth of expenditure in General Administration. This Assembly would not be sorry if the increase of expenditure were on productive works, but when money is being spent upon departments and offices are being multiplied, which do not bring us any return, there is a legitimate feeling that the money might be spent better in other directions instead of being wasted on the creation of offices. Under these circumstances, there is a very widespread feeling among the Members of this House that some attempt should be made to retrench expenditure, and if the Government will give us some assurance that they will take steps to see that the expenditure on officers is not being unduly increased, I think most of the Members will withdraw their motions.

**The Honourable Mr. W. M. Hailey:** Sir, more than one Member of the House has complained that expenditure on the officers of the Central Government has mounted, and is mounting, and ought to be retrenched; they have asked for some assurance that efforts will be made to effect such retrenchment. The best method which I can devise for the present would be that the state of the staff should be examined by the Standing Finance Committee and recommendations on the subject put forward by them. I do not think myself that it would be of any particular value to discuss here across the floor of the House one small retrenchment or another, for the work of one branch of an office is linked to that of many others. If we have hitherto shown some reluctance to accept any large or sweeping reductions in the central staff, it must be remembered that the gradual trend of affairs has led to greatly increased work in our Central Secretariat. I have myself some hope that when the Reformed Constitution is in full working, we may be able to effect some reductions in those departments which deal with transferred subjects. But, meanwhile, the late years have placed a great additional burden upon the departments of the Government of India. There has been a growing complexity of public business; there is an insistent demand for the early despatch of business that comes before us; and it must be realised that the constitution of the Legislative Assembly and the Council of State has in itself led for the present to a very considerable increase of work, and work of a very urgent type. I give this to the House as a matter of practical experience; and I do not think that my Honourable Colleagues here will fail to support me in my statement. We have to do our best with the means we have at our disposal and, where we have made additions, it has always been (I can certainly say this from the point of view of my own department) with the greatest reluctance. I should be quite prepared, and so are my Honourable Colleagues, to place the matters of their departments before the Standing Finance Committee. If they can suggest reductions to us and, if we do not effect those reductions, they can report the matter to the House. But I would not suggest at present, until we know better what the course of our work is going to be through the coming year, that any formal committee be appointed to go into the matter.

**Rao Bahadur T. Rangachariar:** Sir, after that statement from the Honourable the Finance Member that the Standing Finance Committee will be allowed to go into the matter and report on the various departments, I shall not press my motion. I did not think that it was one of the functions of the Standing Finance Committee, but, since it has been made clear by the Honourable the Finance Member, I shall not press my motion, and I daresay that my Honourable friends too will not press their motions.

The motion was, by leave of the Assembly, withdrawn.

**The Honourable the President:** The question is:

‘That a sum not exceeding Rs. 65,21,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st March 1922 for ‘General Administration’.

The motion was adopted.

**The Honourable Mr. W. M. Hailey:** Sir, I beg to move :

- ‘That a sum not exceeding Rs. 58,34,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st March 1922 in respect of Audit.’

**The Honourable the President:** The question is:—

‘That a sum not exceeding Rs. 58,34,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st March 1922 in respect of Audit.’

The motion was adopted.

**Mr. S. P. O'Donnell:** Sir, I beg to move :

- ‘That a sum not exceeding Rs. 4,47,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st March 1922 for the Administration of Justice.’

#### CIVIL AND CRIMINAL JUSTICE.

**Mr. Eardley Norton:** I move, Sir :

- ‘To reduce the vote for Civil Justice by the sum of Rs. 10,000 and the vote for Criminal Justice by an equal sum of Rs. 10,000.’

I have absolutely no feeling of animus or malice against the administration of justice with which, or with the converse of which, I have been so long as so intimately myself concerned. But I have been obliged, by the nature of the procedure of this House to assume a method of attack which is foreign to my nature, for by nature I am an honest man, I should like to be able to stand up and honestly ask for Rs. 20,000 instead of asking for it as I do under cover of this somewhat curious attack—for a Library for the purposes of this Assembly. But the rules of the House preclude my making that straightforward request in that straightforward fashion, and I have, therefore, been compelled to see how I could bring this question before the notice of the members of this Assembly. Apparently the only method of doing that was to attack somebody. I have, therefore, been compelled, much against my wish, to lend my name to an attack which, before I move it, I wish entirely to repudiate. My first inclination was to attack the Bishop. But when I turned to the Ecclesiastical Department (a Department which, I trust, in the years to come, and that not very long, will be at once and for ever removed from the Budget of the Indian revenues), I found that there I was confronted with large italic letters and across the portals of the sacred edifice was written in official language the word ‘Verboten.’ Unable to attack His Lordship the Bishop and his dependents, I looked elsewhere for relief. I thought I had found it in the household of His Excellency the Viceroy; but although I might have attempted to deplete his crockery and his bed-linen, I felt that that was not a courteous method of greeting the arrival of the coming Viceroy who might possibly think that we were disposed to make things uncomfortable for him even before he arrived here.

In my despair I turned to the earliest of the sequences printed here and found that I was to attack the administration which has for so many years nurtured me. I regret it. But I want that library, and the only possible method at present of getting it is to ask for a reduction of Rs. 20,000 from my foster-mother.



[Mr. Eardley Norton.]

I think this House will probably agree with me—I think that the other side of this House also will agree with me—that it is necessary that we should have books to which we can make reference for purposes of fortifying our own arguments or of annihilating the arguments on the official side of this House. I know from hearing and also from reading him that the Honourable Member for Finance has beneath his official pachyderm a strong literary strain, and I feel sure that I shall at any rate enlist his sympathies although he is in charge of that Department which is disposed, as a matter of principle, to say ‘No’ even to the accumulation of law books. I wish to appeal to his better nature, the literary and cultured side of his nature, when I ask him to provide us with the instruments for attacking him and his Department hereafter. It is unnecessary to say much more about this. I think we are all agreed that books are necessary, if only for the purpose of consoling ourselves by reading in the interval of our leisure conflicting judgments which no one can reconcile. Books are necessary, but we want them not merely on law; we want a general library, we want a Parliamentary library, we want a statistical library, we want it in this House, and we want attached to it two things; we want a librarian, and we want a catalogue. We want also a much larger room than is at present assigned to us. I do not wish to be eclectic; I do not wish to be too democratic; but when the members of the Council of State invade that room at the same time as we are there, there really is no space for us to pursue our studies in that state of absolutely quiescent reflection with which alone we can come prepared to this House. I am not suggesting that the Members of the Legislative Assembly and the other House should have separate rooms to themselves. On the contrary, I think we shall be able to procure a great deal of information by consultations between both Houses of the Legislature, provided we can have a room sufficiently large in which to meet without inconveniencing ourselves and our atmosphere too much.

I would, therefore, make an appeal, in attacking the administration of justice, to the Honourable Member in charge of the Department, or to the Finance Member as he is here, that he will receive this appeal *in forma pauperis* with a certain amount of latitude, of charity and of benevolence. This is a universal want felt by all of us excepting by the few who are themselves walking encyclopaedias of knowledge in this House (I am referring particularly to my vakil friends behind me), but to us very common folk who cannot carry the erudition of centuries in our minds and who feel that we must refresh ourselves by reference before we make quotations, it is absolutely necessary that we should have a well-arranged library to which we can appeal before we appeal to the living members in possession of the books themselves. I trust that the Honourable Member in charge of finance will see his way, before we meet again, to give us what we want.

This raises one other question, a question of some difficulty with me, and that is whether we are going to use this library throughout consecutive meetings in Delhi alone or only for a portion of our meetings. It is not yet decided, although I understood the official leader of the other side of the House to say the other day that he was quite prepared for a full dress debate upon the question as to whether or not we are to meet here for the second meeting or at Simla. I understood him to say—he will correct me if I am wrong—that he was prepared himself to abide by the decision. If we are not to meet here continuously as I trust we shall not; if we are to meet partly in Simla and partly here, I should like to know, as I am not acquainted with Simla, whether in that event

we are to have two libraries ; whether we are to have a library here for purposes of reference whilst this House meets here and also a library in Simla for the purposes of discussion there. If I correctly interpret what the Honourable Sir William Vincent said and if we are to be constitutionally terrorised into meeting perpetually in this House during the hot as well as the cold weather, then it seems to me that possibly we shall require even a larger grant than the Rs. 20,000 with which I have suggested the starting of this library. I do give my Honourable friend notice that this is the thin end of the wedge.

I am familiar with libraries. I have been collecting libraries all my life, and it is only quite lately—owing to certain circumstances into which I need not enter now—that I have been obliged to part with my books. I would ask the officer in charge to let me have some guiding voice as regards the class of books which it is necessary we should have ; and also in regard to the way in which catalogues should be prepared for the purpose of making these books really useful to the members of this House. I have nothing further to say except to appeal in as chastened a mood as I can—to the Honourable the Finance Member to give us some assurance that this appeal of ours will meet with a kindly reception at his hands so as to enable us to go back with a knowledge that we shall be even better prepared to-morrow than we are now to enforce our arguments of to-day.

**The Honourable the President :** By the exercise of what the Honourable Member has called 'charity and benevolence,' I have turned a deaf ear to the Honourable Member's speech which has been out of order from the first word to the last. I am aware that I am setting a bad precedent from the Chair ; but as he was raising a question of great interest to every member here, I allowed him to proceed. I shall not be able to allow the same latitude to other members who must address themselves to the subject of Civil and Sessions Courts if they wish to discuss this motion for reduction. Turning to the *head* 'General Administration,' *sub-head* Legislative Department, I find an item for the 'purchase of law books.' That was the proper place for this question to be raised. I suppose it escaped the eagle eye of the Honourable Member, so I allowed him that latitude, and I am prepared to allow it in relation to a very brief reply similarly actuated, I hope, by 'charity and benevolence' on the part of Government. But I cannot allow other members a similar latitude.

**The Honourable Sir William Vincent :** Sir, the position of the Honourable the Finance Member during these debates is a somewhat curious one. All through the year he poses to us administrative departments as a Cerberus guarding the public Treasury with his satellites, and if you ask his Department for money for any object, you usually come back sore and defeated. In this Chamber his attitude is different and he has to justify demands though he is sometimes afforded a little satisfaction when one of our demands is turned down. I saw him just now when a demand of the Home Department was refused give a sardonic smile of satisfaction, and I felt he was rather pleased at the result, and there is, I think, some excuse for him. But in this case I propose to turn the tables on him, and myself side with the Honourable Member who moved this Resolution. There is really a great need for this library though I think the sum which is proposed is quite inadequate. We will, however, combine to bring pressure to bear on my Honourable Colleague, and I am hopeful that out of one of those 'lump sum grants' which he always keeps up his sleeve, we shall be able to secure a reasonable amount for the purpose that the Honourable the Mover has in view. I hope, however, that it will not be

[Sir William Vincent.]

necessary on this account to reduce the salary of these unfortunate Judicial Officers. The Honourable Mover has hitherto been known to them as a great advocate and a man of light and leading, learned in the law. And I should not like to see his reputation injured or to have him regarded as a peculiarly malicious person, something worse than the Accountant General who cuts their pay for no reason. It would spoil his reputation in the many Courts in which he practises. If, therefore, I give an assurance that I will certainly myself—and I am quite sure my friend Dr. Sapru will join me—that we will put any pressure we can on the Honourable the Finance Member to secure an adequate grant for this library, I hope the Mover will withdraw the Resolution.

**Mr. Eardley Norton:** I withdraw.

**The Honourable Sir William Vincent:** I only want to say one word more in answer to a question asked me about Simla. There is, as a matter of fact, an excellent library in Simla which is quite close to the place which is proposed for the site of the Chamber.

The motion\* was, by leave of the Assembly, withdrawn.

**Rao Bahadur T. Rangachariar:** I will not move No. 22, Sir, *i.e.* :

‘That the demand under head ‘Administration of Justice’ be reduced by Rs. 11,480,’

**The Honourable the President:** The question is :

‘That a sum not exceeding Rs. 4,47,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 for the ‘Administration of Justice.’

The motion was adopted.

**Mr. S. P. O'Donnell:** Sir, I beg to move :—

‘That a sum not exceeding Rs. 31,26,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 for Jails and Convict Settlements.’

#### HIRE OF STEAMER.

**Rao Bahadur T. Rangachariar:** Sir, I beg to move :

‘That under this head the demand be reduced by Rs. 2,12,000.’

In addition to the lump sum proposed already which I will not repeat, I find an item on page 96 entitled Hire of Steamer. I think, Sir, it has gone up from Rs. 2,27,500 to Rs. 5,37,000. I cannot understand how such a large jump should have been made, and I therefore move that this sum be reduced, that the demand under the head Jails and Convict Settlements be reduced by Rs. 2,12,000.

**Mr. S. P. O'Donnell:** Sir, I am not surprised that the Honourable Member found some difficulty in understanding the figures for the hire of this steamer. The facts are these. This steamer was from 1916 to the end of August 1919 an impressed steamer. And it was run by Government and the payment made to the owners was at the rate of Rs. 14 per gross ton. This was the blue-book rate, and I think it is well known that blue-book rates were decidedly below what could be obtained in the open market. In September 1919, a temporary

contract was entered into at the rate of 30 shillings per ton of dead weight, and then the contract was renewed for a period of five years in September 1920 at the same rate. Before renewing the contract, the Government made every possible inquiry. They inquired whether they could get a steamer which they could own and run themselves. They found that to be impossible. They invited tenders and they only received one tender. Eventually they entered into the contract on the advice of, and after the case had been examined by, the Shipping Controller, Mr. Storey. There has, therefore, been no change in the rate paid for this steamer since September 1919. As a matter of fact, for the period from April 1920 to the end of the year, Government made the handsome profit of two lakhs of rupees. How the accounts will work out during the period of the contract depends of course upon the rate of exchange because the contract is on a sterling basis. But, assuming that the rate of exchange gradually improves, as we all hope, there is every reason to suppose that the contract will prove profitable to Government.

Now, as regards the variations in the figures, in the first place, the figure Rs. 2,27,560 in the accounts for 1919-20 appears to be a mistake. The actual figures are Rs. 3,59,000. Of course this represents the expenditure for a year during a considerable portion of which the steamer was an impressed steamer. Then it will be seen that there is an estimate of Rs. 3,66,000 for 1920-21. That was based on the three years' average during the greater portion of which period the steamer was impressed at the blue-book rates. The actual expenditure was Rs. 5,66,000, then a simple calculation will show that the estimated expenditure for 1921-22, *viz.*, Rs. 5,37,000, is insufficient. The actual payments that have to be made month by month are £5,000 odd. The Chief Commissioner in sending up this estimate made a mistake in the basis of his calculations. He calculated on gross tonnage and not on dead weight tonnage. When that mistake was discovered, he sent up a fresh estimate, and this lump provision of Rs. 2,00,000 at the bottom is intended to adjust the accounts under that head. The position therefore is, that there has been no increase whatever in the rate which is paid for the charter of this steamer, and that, as I have said from April 1920 to the end of December 1920, Government had made a very reasonable profit of Rs. 2 lakhs on this contract, because Government gets all the freights and rates paid by passengers. As regards the future, of course it is impossible to say exactly how the account will work out, because the contract is on a sterling basis. But assuming that exchange recovers, there is no reason to suppose that this contract will not prove a profitable one. It has been made after the most careful examination, after every possibility has been explored, and after expert advice had been taken.

**Mr. Eardley Norton :** May I inquire where and for what the steamer is being used ?

**Mr. S. P. O'Donnell :** It is used for carrying passengers, freight and mails to the Andamans.

**Mr. E. L. Price :** Sir, it is extremely interesting, after the Honourable Mr. Hailey's condemnation of the action of those merchants who failed to cover their exchange, to hear that the Jails and Convicts Settlements Department has also failed to cover their exchange and have speculated like the merchants—we will hope, however, with happier results ! But, Sir, the point I want to raise

[Mr. E. L. Price.]

is not that. It is this that this demand covers the Andamans Administration, and I think that before we vote this money, we ought to have some assurance from Government that the conditions of the 'hell on earth' that has been revealed there will be ameliorated during the coming year.

**The Honourable Sir William Vincent:** I am extremely glad, Sir, that I have been afforded this opportunity of stating the policy of the Government in regard to the Andamans Settlement. Honourable Members are aware that I promised recently to lay the Report of the Jails Commission before Members of the Assembly and to publish it. As soon as I obtained the permission of the Secretary of State, namely, on the 8th March, we issued orders for its publication, and I believe that the report was placed in the hands of all Honourable Members on the 9th. Before that date, however, we had already come to certain provisional conclusions regarding the Andamans, intending at first to reduce the Settlement from its present numbers to a Settlement where about 1,500 or 2,000 of the worst criminals only would be detained. We have now after consultation with the Secretary of State decided, subject of course to any advice from this Assembly, because this is a matter on which the influence of the Legislature may very properly be exercised, to abandon the penal Settlement altogether. For some years we have had misgivings about this Settlement. Although I think some of the statements in the report are overcoloured, at the same time we have been under misgivings regarding conditions there. It is at a very great distance from the Headquarters of Government, and it is impossible for us to control or supervise work effectively, and the Settlement is also unamenable to outside influences. In 1913, Sir Reginald Craddock, my predecessor, made a careful inspection of the Settlement and he formulated his views in a report which is now on the records of the Government of India. Partly, as a result of that visit, the Government decided, on a motion of Mr. Rayanagar in the Indian Legislative Council, to appoint a Committee to examine the whole of our jail systems. Owing to the war, we were unable to appoint that Committee at the time. It was impossible to do so, and we received instructions to defer the establishment of the body. We were, however, never unmindful of this subject and immediately the war was over, we appointed this Committee. It has completed its inquiries and submitted the report which is now before Honourable Members.

When we received that report, we immediately also formulated our views on the various recommendations. Most of them, however, as Honourable Members will see, affect Local Governments mainly, but this Chapter of the Andamans was one which directly affected the Government of India; it is directly under our control. I ought to have mentioned that before this and after Sir Reginald Craddock's visit to the Settlement, a number of reforms such as we could carry out then were immediately done, not in my time, I think, but before I came in. Among these may be included the abolition of chain gang sentences, the systematic reclamation of salt swamps which is in progress. A large amount of money, more than four lakhs, has been spent on the removal of certain barracks beyond the radius of infection. Additional allowances for food have been sanctioned for convicts engaged in labour at a distance from their station, such as forestry or fuel-cutting. The system of local marriages has been regularised as far as possible. Allowances paid to married self-supporters have been increased, and marriages between convicts and free men are no longer permitted. The productive capacity of the Settlement has been developed; convict labour is being withdrawn from forest camps and being

replaced by free labour. All the same, we viewed the information contained in this report with very grave concern, and I am sure this Assembly will support us entirely in the view we are taking, namely, the decision that the time has now come to end this penal settlement altogether. Of course, there must necessarily elapse a considerable time before this proposal can be carried out completely, because we have to deal with 12,000 to 15,000 prisoners, and they have to be accommodated somewhere as obviously they cannot be released forthwith. But we are taking certain steps in this direction immediately, and we are also impressing upon Local Governments the necessity of adding to their jail accommodation without delay.

The actual Resolution which the Government of India propose to issue on this Andamans Commission is now before me. We have refrained from issuing it mainly because we thought it would be in accordance with what was promised the other day that we should first ascertain the views of this Assembly in regard to it, although I am quite certain we shall secure their abundant support for the course we now propose. Further, I am glad to say that we have issued orders that all political prisoners shall be immediately returned from the Andamans, that female convicts not married locally shall be returned immediately, and we are taking steps to prevent further criminals being sent to the Andamans in so far as the Local Governments are able to find accommodation for them here. We shall press Local Governments in this matter to restrict the numbers as much as possible. In the meantime, we are giving effect to the recommendations contained in the report for the amelioration of conditions there so far as may be possible and providing so far as we can for the classification of convicts, their complete separation at night, and as far as possible, at labour, a substantial reduction in the number of convict officers and the recruitment of an additional number of well-paid jailors and warders. We are also improving the arrangements for medical treatment, and in other directions we are in consultation with the Chief Commissioner as to what improvements are possible. With the consent of the Honourable the Finance Member we have provided a lakh for the temporary improvement of the administration of this Settlement this year. The difficulty in giving immediate effect to the recommendations of the Committee is that eight or ten new jails will be required to accommodate the prisoners, our jails are at present overcrowded and Local Governments may not be in a position to undertake the construction of a number of new jails immediately. But I can assure this Assembly that this report has caused us the greatest concern, and we will do everything possible that we can to remedy the defects that have been pointed out, and I hope that in a few years, this blot on the administration may be removed altogether.

**Rao Bahadur T. Rangachariar :** Sir, I am glad that my innocent motion has been productive of one good effect, namely, that, at any rate, one hell is going to be put an end to although it may not be possible to put an end to the other hell. But this hell was man's creation, and therefore man can put an end to it, and I hope it will soon be put an end to.

And I am very grateful indeed for the assurance given by the Honourable the Home Member in that connection and I daresay this Assembly welcomes that announcement.

As regards the particular item I do not understand why the Government should not contract to pay in rupees. Why should they contract to pay in sterling knowing all the difficulties we have about exchange. When they enter into a contract, why should they enter into this contract to pay in

[ Rao Bahadur T. Rangachariar. ]

sterling'? Then the Government say 'Oh, this loss is due to this and that and the other'. I wonder why that was done. On the whole, having regard to the explanation given by the Home Secretary I do not think any useful purpose will be served by my pressing my present motion to a division, and I hope that in future when a contract is entered into, it will be paid in rupees and not in sterling and it will not subject us to this loss.

**The Honourable Sir William Vincent:** May I ask one question? I am very anxious to know in connection with this question of the Andaman Settlement whether the action proposed by Government has the approval of the Assembly.

(SEVERAL HONOURABLE MEMBERS: YES.)

The motion \* was, by leave of the Assembly, withdrawn.

**The Honourable the President:** The question is:

'That a sum not exceeding Rs. 31,26,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 for Jails and Convict Settlements.'

The motion was adopted.

**Mr. S. P. O'Donnell:** I beg to move:

'That a sum not exceeding Rs. 29,21,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 for Police.'

**Rao Bahadur T. Rangachariar:** I wish to draw the attention of the House to page 98 of the Demand for Grants where there is an item of War Allowance for Rs. 50,250. I wonder what war that is and why a war allowance should at all be provided for 1921-22. Again, in the same page, under 'Travelling Allowance' we have provision for 1,10,300 and for 'House Rent and other allowances' 2,80,530, and again on page 99 for 'Contingent expenditure' Rs. 29,880. There are other items but I will not trouble the Assembly with them. It appears to me that these are items which have to be justified to the Assembly before they can pass them.

**Mr. S. P. O'Donnell:** I should like to point out that the demand under this head relates to a large number of Administrations including Ajmer, Baluchistan, Indore, Coorg, Delhi, Rajputana. It has therefore to be borne in mind in considering the various items that every item is probably divisible by about 6. As regards the particular items referred to by Mr. Rangachariar, it will be observed that there is no increase of travelling allowances. This sum of Rs. 1,10,300 is intended for all these Administrations that I have mentioned. Then he referred to the question of war allowance. These war allowances are simply allowances which were granted to the subordinate staff during the war pending the revision of their pay. The intention is that as soon as the revision of pay is effected, the allowances shall be merged in pay.

As regards house rent allowances, these are allowances which are paid to Inspectors and Sub-Inspectors. That is the standing practice all over the country. These Inspectors and Sub-Inspectors of Police either get houses rent free or they get allowances in cases where Government is unable to provide houses.

For the rest, any increase in expenditure which is a very small increase, if you take it per province, is simply due to revision of pay which is as necessary and indeed more necessary in the case of the police than in that of other services. There was a case mentioned by the Honourable the Finance Member where we had to sanction an increase of pay for the police in Bombay, because, if that increase had not been sanctioned, there was every reason to believe that a particular section of the force would have ceased to function. At the present moment, as Honourable Members know, in one province, Bihar and Orissa, the police have actually gone on strike.

**Rao Bahadur T. Rangachariar:** I do not press the motion.

**The Honourable the President:** The question is:

'That a sum not exceeding Rs. 29,21,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of the 'Police'.'

The motion was adopted.

**Mr. C. A. Innes:** I beg to move, Sir:

'That a sum not exceeding Rs. 11,68,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of Ports and Pilotage. 'Ports and Pilotage'.'

The motion was adopted.

**Mr. J. Hullah:** I move, Sir:

'That a sum not exceeding Rs. 27,83,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of the Survey of India. 'Survey of India'.'

The motion was adopted.

**Mr. J. Hullah:** I move, Sir:

'That a sum not exceeding Rs. 4,57,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of Meteorology. 'Meteorology'.'

**The Honourable the President:** The question is:

'That a sum not exceeding Rs. 4,57,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Meteorology'.'

#### PROVISION FOR WEATHER TELEGRAMS.

**Sir Sivaswamy Aiyer:** Sir, I beg to move:

'That the provision for weather telegrams (page 119) be reduced by Rs. 40,000 (Rs. 44,000, as shown in the agenda, is a mistake).'

The charge for weather telegrams is Rs. 84,000. In the next year it is proposed to raise it to Rs. 1,40,000. I know Sir Gilbert Walker to be an eminent scientist, but I do not know whether he can guarantee the accuracy of his weather forecasts with the addition of this expenditure. If he could guarantee the truth of his prophecies of weather, I for one would not mind it,



[ Sir P. S. Sivaswamy Aiyer. ]

but I am afraid he will not be able to do so. It seems to be an excessive charge, and I move that it be reduced by Rs. 40,000.

**Mr. J. Hullah :** Sir, without giving any guarantee that we shall improve the accuracy of our weather forecasts, I hope I shall be able to explain to the satisfaction of the House that there is really no increase in the charges which the State will have to bear on account of these telegrams. Honourable Members will see that in the accounts for 1919-20 in the last budget and in the revised estimate the figure has been constant—Rs. 84,000. That has simply been a conventional figure adopted between the Meteorological Department and the Telegraph Department, as representing the cost of the telegrams. Since that figure was fixed some years ago, when it represented approximately the actual cost, the rates for telegrams have doubled, and the Director-General of Posts and Telegraphs has asked us to pay for our telegrams in future at current rates. We have, therefore, put down the sum which we expect them to cost and which they would actually have cost this year had we been charged full rates by the Telegraph Department. There is no point in cutting out a single rupee of this provision, because if you do you must cut out another rupee from the receipts of the Telegraph Department. It is simply a book account between two Departments, and we have now to put in what we believe will be actually debited to the Meteorological Department. I can assure the House that there is no real increase in expenditure whatsoever.

**Sir P. S. Sivaswamy Aiyer :** It is a mere question of book entries?

**Mr. J. Hullah :** Yes.

**Sir P. S. Sivaswamy Aiyer :** Then I do not wish to press my motion. The motion was, by leave of the Assembly, withdrawn.

**The Honourable the President :** The question is :

‘ That a sum not exceeding Rs. 4,57,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 for ‘ Meteorology ’.’

The motion was adopted.

**The Honourable Sir Thomas Holland :** Sir, I beg to move :

‘ That a sum not exceeding Rs. 1,64,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of the ‘ Geological Survey.’

The motion was adopted.

**Mr. J. Hullah :** I move, Sir :

‘ That a sum not exceeding Rs. 1,37,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 for the ‘ Botanical Survey.’

#### FREIGHT AND OTHER CHARGES.

**Sir P. S. Sivaswamy Aiyer :** Sir, I move :

‘ That the provision for freight and other charges (page 123) be reduced by Rs. 20,000.’

The cost of this in the current year will be Rs. 10,000. It seems to have gone up suddenly to Rs. 32,000 in the estimates for the next year. It is

difficult to understand why there should be this big jump from Rs. 10,000 to Rs. 32,000. I move that it should be reduced by Rs. 20,000.

**Mr. J. Hullah :** I may explain, Sir, that this provision is made on account of importing supplies of quinine from abroad. The demand for quinine in India is growing very rapidly indeed, and the Bengal and Madras plantations are unable at present to meet that demand. As the Assembly was informed a week or two ago by Mr. Sharp, we have started in Burma a very large plantation which, we believe, will supply the full quinine needs of India and, we hope, the needs of the Empire as well. But meanwhile we have to import quinine from abroad. It has been pointed out that in the revised estimates the amount on account of freight and other charges is only Rs. 10,000. As a matter of fact, the last budget provision made was Rs. 25,000, but that does not appear because in the column 'budget estimate' several items have been lumped together. But the quinine has not come forward, or rather very little of it has come forward, and therefore the budget provision of this year has been reduced from Rs. 25,000 to Rs. 10,000 in the revised estimate. We expect to get not only the arrears of this year, but also increased supplies next year. We have a contract for 750,000 lbs. of quinine in the bark, and another for 40,000 lbs. of quinine sulphate. It is for that reason alone that a provision of Rs. 32,000 has been made in the budget, and I may mention that we asked a hard Finance Department to give us a provision of Rs. 40,000. I hope that the provision of Rs. 32,000 will be allowed to stand.

**Mr. E. L. Price :** I should like to know, Sir, whether the Botanical Survey is also speculating in exchange like the jails, or whether they have covered themselves?

**The Honourable Mr. W. M. Hailey :** I can answer the question of the Honourable Member, Sir. There does not appear on this Budget any demand for payment for quinine. That appears in the Home charges. Therefore that will not arise in this particular connection.

**Mr. E. L. Price :** What made me ask that question, Sir, was because in the case of the Andamans there **was** an item for which exchange was uncovered, freight, charter or steamer hire; and the same word appears here.

**Sir P. S. Sivaswamy Aiyer :** I do not press my motion,\* Sir.

The motion was, by leave of the Assembly, withdrawn.

**The Honourable the President :** The question is :

'That a sum not exceeding Rs. 1,37,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 for the 'Botanical Survey'.'

The motion was adopted.

**Mr. H. Sharp :** Sir, I beg to move :

'That a sum not exceeding Rs. 1,10,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922, for the Zoological Survey.'  
'Zoological Survey'.'

**Rao Bahadur T. Rangachariar :** Sir, I beg to move

'That the Demand under this head be reduced by Rs. 22,800.'

[ Rao Bahadur T. Rangachariar. ]

My reason for it is to be found on page 124, where there are two lump provision items, which will come under the general provision we have made already. But as zoology is a very interesting subject, other Members may have an opportunity of saying what they have got to say about it.

**Mr. R. A. Spence :** Mr. President, it is usually considered a good thing if one's interpretation of rules is the correct interpretation. I regret that in this instance my own interpretation is, I believe, correct, for I do not believe that it would be in order to ask that a demand for a grant should be cut down in order that that demand should be used for some other purpose.

*Motions for reduction of grants* are presumably the result of the Mover's belief that the sum demanded is more than is required for the efficient service of the Department, and if this were the case I should like to see the sum objected to transferred to the credit of the Mammal Survey undertaken by the Bombay Natural History Society.

But, unfortunately, for this country the demand made on us for the work of the Zoological Survey of India is not merely not in excess of its requirements but is greatly in defect.

There must be many in this Assembly who are interested in the wonderful natural life of this great country, and I would appeal to them to do all that they can to remove the reproach on India of starving science. If one wants to know what can be done to increase the knowledge of the natural life of a country, one should look to the United States of America, one of the great democratic countries of the world, and the difference between what America does and what India does is not to the credit of India.

We have pressed in this Assembly that we should not cut down expenditure that is of a remunerative character. There is no question that expenditure on science and scientific research is of a most remunerative nature. It must be in the knowledge of many that the tea industry of India owes its inception to the experimental work undertaken by the Botanical Gardens of Calcutta. The important work of the Forest Department and the Agricultural Department is greatly helped by the work undertaken by the Zoological Survey of India, and on this ground we should decline to reduce the grant.

The Scientific Departments dealing with Meteorology, Geology, Botany, Zoology and Archaeology are Departments in which Indian scientists have already made a great reputation, and the Departments offer increasing opportunities for Indian gentlemen of scientific attainments to serve their country with advantage and benefit to the country.

**Mr. H. Sharp :** Sir, after what Mr. Spence has said, there is really very little left for me to say. Indeed, in one matter he rather took the wind out of my sails in mentioning the Mammal Survey carried out by the Bombay Natural History Society. I was going to specify that as an instance showing that we have a private society here doing a very important piece of work which we might expect to be done by our Archaeological Survey. But the fact of the matter is that our surveys cannot be properly carried out. For, whatever be the reason, why it is proposed to make this reduction, I would point out that this is an absolutely starvation budget, and it has just occurred to me that possibly I might ask the Members of the Assembly—I do not wish to strain their arithmetical faculties at this stage on a rather sultry afternoon to turn the total into sterling—it is not difficult to do so at a

2 shillings rate of exchange. Even at that rate, it is incredible that you can properly run the Zoological Survey of a country like this, which is teeming in fascinating fauna, on this absolutely paltry sum. The pay of the men in the department is also extremely small. We had put before the Secretary of State proposals for raising their pay. The Secretary of State has not accepted them, not because he thinks them too high, but because of administrative reasons ; but he is granting them a percentage increase. This accounts for one of the lump provisions.

The only other considerable lump increase that I can find is for provision of certain special items, that is to say, to meet the cost of microscopes, of scientific instruments and also printing and so on, because of the very large increase of cost of all those things. I can only say that this Budget has already been pared down to the utmost. I trust my Honourable friend opposite will not press for a reduction.

**Rao Bahadur T. Rangachariar :** Sir I did not want to press this motion, I merely wanted to give an opportunity to my Honourable friend to speak on the subject, and I therefore withdraw my motion.

The motion\* was, by leave of the Assembly, withdrawn.

**The Honourable the President :** The question is :

‘ That a sum not exceeding Rs. 1,11,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st of March 1922 for ‘ Zoological Survey ’.’

The motion was adopted.

**Mr. H. Sharp :** Sir, I beg to move ;

‘ That a sum not exceeding Rs. 14,55,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 for ‘ Archaeology.’

#### CONSERVATION OF ANCIENT MONUMENTS.

**Sir P. J. Sivaswamy Aiyer :** Sir, I beg to move :

‘ That the sum of Rs. 8,70,000, appearing on page 126 against Conservation of Ancient Monuments, be reduced by Rs. 1,000.’

My object in proposing this small reduction is simply this, to bring it to the notice of the Government that the Madras Presidency has been very shabbily treated in the distribution of this Rs. 8,70,000. I see that Provinces nearer the Capital, like the United Provinces and Delhi, have got much larger slices of this Rs. 8,70,000, and that Madras, where we find the largest number of ancient temples and archaeological monuments is allotted a sum of Rs. 54,000. That, I should have thought, was altogether inadequate to the needs of Madras. I may also mention another thing I have heard, and that is that in one of the Provinces the archaeologist in charge refuses to carry out any work for the preservation of monuments which he personally would not be permitted by the authorities to enter. I do not know how far it is true, but I take this opportunity of bringing the information I have received to the notice of the Government. I do not think it is a correct principle to adopt that simply because a particular officer may not be permitted by the temple authorities to enter al

[ Sir P. S. Sivaswamy Aiyer. ]

parts of the temple, therefore it should not be the subject of preservation and care.

Another point I should like to bring to the notice of Government in this connection, is the need for regard for congruity in the restoration or preservation of ancient monuments. I have often found that ancient stone buildings have been repaired with iron and cement and a lot of stuff which was altogether inconsistent with the character of the building. In one place a stone lion was plastered all over with cement and painted over black or white. Attempts at restoration of this kind excite nothing but ridicule. I hope that the Department which is under the administration of a distinguished archaeologist like Sir John Marshall will pay more attention to the need for the restoration and preservation of monuments in accordance with their original character and design.

There is one other claim which I wish to bring forward and press upon the attention of the Government, and it is this. In the Madras Presidency the Epigraphical Department has been at work for a large number of years and has collected an enormous number of inscriptions which have been deciphered and are all safely stowed away in the archives of the Department. It would be of great use to the public if a serious attempt were made to publish those inscriptions. Something has been done in that direction—a beginning has been made, but we would like to see the large mass of material which is in the possession of the epigraphists in the Madras Presidency, placed at the disposal of scholars and antiquarians. It is for the purpose of drawing attention to those needs of the Madras Presidency, and the importance of putting the inscriptions which have been collected with great pains, and the importance of preserving the numerous monuments which exist in the country, that I have felt it my duty to bring this motion before the House.

**Mr. H. Sharp :** Sir, when I first saw this Resolution, I thought it possible that there had been some slight misapprehension regarding this apparently large increase of Rs. 8,70,000. As a matter of fact, this only represents the expenditure which has, in the past, been paid by Local Governments. Archaeology has become a central subject—though it always has been to some extent a subject under the care of the Government of India. As it is now declared a central subject, the Government of India has to pay for these things. This fact will perhaps interest the Assembly and it has some bearing on this Resolution. As soon as this arrangement was made we asked the various Local Governments to disclose the expenditure which devolved on them for the preservation of monuments, etc., and to let us know what it came to. The bill which they sent up came to Rs. 12,66,000 or slightly over. Knowing that we had a bad year before us, we cut it down to Rs 8,70,000. This was very carefully done, each item being examined, and though it is possible that some little inconvenience may be caused by this cutting down for this year, I hope it will not have any serious effect and that it will not have to be continued in other years, when the effect on some of the monuments certainly might be serious.

But my Honourable friend, Sir Sivaswamy Aiyer, has brought up his Resolution merely in order to point out how very little Madras is getting out of this.

Well, I cannot here and now go into the details of these estimates that were sent to us—these demands from the Local Governments. But I think

it probable that the Local Government considered carefully their demand before sending it up; and its dimensions are such that, even if Madras along with the other Local Governments, had its demands proportionately cut down, I do not think that its demand can have been anything like so large as that, say, of the United Provinces, and I would suggest that my Honourable friend might perhaps take some opportunity of pointing this out to the Local Government.

I was very glad to hear those other criticisms made by Sir Sivaswamy Aiyer and the Department will certainly see that notice is taken of them. I do not know anything about the case which he cites regarding the officer entering all parts of a temple. That I can inquire into and I shall make a note of the fact. As regards the second point—the covering of certain statues over with incongruous cement, that is a matter about which the Department knows—I do not mean to say the particular instance which perhaps he will give me later—but it is a matter of general complaint that these things sometimes do happen owing to the men who are actually charged with the work of conservation not having any archaeological training. Now, I should like to point out that we are taking steps—at present on a purely experimental basis—to cure that kind of thing. An item will be found on page 125—Conservation Assistants Rs. 7,200. That is a new charge. This experiment, which is going to be made in the United Provinces, in order to train men in charge of the actual operations and to secure that deserving lions are not plastered over with the wrong sort of plaster and so on. As regards the inscriptions, I cannot say exactly what is going to be done with the inscriptions in Madras or where they are going to be placed; but I can assure my Honourable friend that we are quite alive to the fact that epigraphy in Southern India has not had sufficient attention lately, and part of the lump provision for increase is, as a matter of fact, going to give us a better and more efficient body, a larger body, of officers to look after inscriptions, especially in Madras, and we have just received the sanction of the Secretary of State to that portion of the scheme.

That is all I have to say, Sir.

**Mr. J. R. Pantulu Garu:** Sir, an Honourable Member of this House remarked this morning that Madras is having more than its share of the time of the House. I do not say that he has not got some good grounds for making that charge but I plead entirely innocent and not guilty of any complicity in that offence. I have so far saved the House the trouble of listening to any speech of mine. It is true that I made an attempt to speak the other day but that attempt failed, though through no fault of mine. If I wish to say a few words now, Sir, it is because I do really take great interest in the subject of this motion. The great epigraphist, Dr. Hultzsch, when he was the Government Epigraphist for India, used to ask his assistants when they returned from their annual tours whether during their tour they had come across any persons who were so mad as to take an interest in archaeology and epigraphy when not paid for it.

I plead guilty, Sir, to being one of those mad men and my regret is that the number of my fellow lunatics is not much larger than it is.

Now, coming to the subject, Sir, I feel greatly relieved by the speech of the Honourable Sir Sivaswamy Aiyer. I find that what he meant was really to plead for larger expenditure on Archaeology and not to cut it down. I admit that I felt somewhat uneasy when I found not less than three motions on the

[ Mr. J. R. Pantulu Garu.]

subject, all apparently intended to cut down the expenditure on the subject. I think, Sir, that if there is one Department more than another, in which excess of expenditure can be overlooked, that is Archaeology. And that is for this reason. There is now a very strong feeling in the country that we should have very rapid national progress and we hear it discussed in newspapers, lectures, and platforms and we have evidence of it in this House as well as outside. Now, to ensure proper national progress, I think it is necessary that we should first have an adequate sense of national self-respect. I can conceive of nothing which would promote an adequate sense of national self-respect than a proper study of the history and the antiquities of the country. We, Sir, have hitherto neglected the subject far too much. Thanks to the partial, incomplete sort of education that we have been receiving, for a long time past, we have been too much accustomed to look to the West for light and leading in all matters, although we ought to have known that light more often comes from the East than from the West. Now, Sir, if we properly study our own antiquities and our own history which are written on stones and on metal plates, a good deal of which are buried under ground, I have no doubt that we will rapidly gain national self-respect. For these reasons, Sir, I am glad that no attempt is seriously made to cut down the expenditure on this subject. There is, however, one point on which I should like to have an explanation from Government. There is an item of Rs. 3,000 for purchase of antiquities. I hope, Sir, that this is not meant to be spent upon removing articles of archaeological interest, such as are inscribed or sculptured slabs from their proper setting and their proper environment to any central place such as museums. I know this has sometimes been done, and I strongly object to that. Articles of archaeological interest when removed from their original environment and setting lose a great deal of their historical and even their artistic value. We know that the great part of a Buddhist *stupa* at Amravati in the Guntur District, Madras Presidency, was long ago removed to England. I believe those slabs are now in the British Museum. They are known as the Elgin marbles, because they were removed during the time of the first Lord Elgin, Governor General, and they are known by his name. I have also seen several slabs from the same *stupa* and several other inscribed and sculptured stones removed from various places exhibited in the Madras Museum. If one desires to study these articles of archaeological interest, he will be at a great disadvantage and will not really understand the historical value or the historical meaning that those articles were intended to convey, because they have been torn off from their proper places. I hope, Sir, that this money, though small in itself, is not intended to be spent upon any such act of vandalism as I have described, but is meant only for the purchase of copper plates which are sometimes discovered with private individuals.

**Mr. T. V. Seshagiri Ayyar:** Sir, I should like to say a word on this question of the way in which Madras has been treated. My friend, Sir P. S. Sivaswamy Aiyer has referred to it; I take it that with its usual modesty the Madras Government asked for about Rs. 20,000, and a proportionate reduction was made when the Honourable the Finance Member found that as much as was asked for could not be given. Bengal perhaps asked for 2 lakhs, Bombay 3 lakhs, Madras for thousands, and then there was apparently a proportionate reduction in making the grant. That is what I expect to have happened. As a matter of fact, the largest amount of work has been done in Madras in this direction. There is a History Professor whom the University has appointed

as regards Ancient History, and in consequence of many of the plates not being printed he is unable to make much progress with his work on the history of India, and especially of Southern India. I think I am correct in saying that most of these plates, which have been copied from inscriptions in temples, have been stored in Ootacamund lest they should deteriorate. They were placed in a cold place so that they might not deteriorate; there are a large number of these plates still awaiting to be printed. Yet no money has been granted by the India Government for their printing. As I pointed out, it is very likely that because the Madras Government has not asked for as much as it should have asked, or has not been as immodest as the other Presidencies, it has been given only Rs. 54,000 as pointed out by Sir P. S. Sivaswamy Aiyer. I hope in making the reduction the principle of proportionate reduction has not been applied by the Government of India. I take it that if the Madras Government had asked for a big amount, and has not been given that sum, we may have no complaint, but if the Madras Government asked for a small amount, and even of that small amount a percentage reduction has been made, I must say that it is not fair to Madras; I want to make this point clear to the Honourable Mr. Sharp.

**Mr. J. Chaudhuri :** Sir, I should be very sorry if the grant in respect of this department should in any way be curtailed. I may say for the information of my Honourable friend, Mr. Seshagiri Ayyar what we have been doing in Bengal is that we have been encouraging research students to do a great deal of voluntary work in this line. As a matter of fact, we find no provision here in this Budget especially with regard to Bengal. What is being done in Bengal is to encourage graduates who have taken up historical studies to carry on their research work out of private funds, and they have now done a lot of very useful work. There is a society called Varendra Research Society in the constituency I represent, which receives help from our indigenous resources from the educated classes of the country, backed by a very cultured zamindar who is now unfortunately dead. These research students have made excavations and have unearthed very valuable relics, and if any gentleman is interested in archaeology he might go and see the Museum at Rajshahi. If the Government of India would only give encouragement to our research students in every province that would not throw any appreciable burden on the Central Government, and a lot of archaeological work might thus be done through voluntary agency, and very economically too.

I ask my Honourable friend in charge of the department to encourage this spirit of research amongst the educated classes of Indians. That will obviate much of our financial difficulties in this direction. I thoroughly support the demand made by my Honourable friend, Mr. Sharp, under this head and feel confident that it will be more largely utilised to promote research work in this line.

**Mr. Wajid Hussain :** I am afraid I cannot understand why my respected colleague, Sir Sivaswamy, and the other gentlemen from Madras have proposed a reduction in the grant under the head 'Archæology' simply because in their opinion Madras does not get as much as other provinces do. An explanation of this has been given by no less a person than an *ex-Judge* of the High Court, but perhaps there may be another explanation, that is to say, perhaps Madras does not possess as many monuments worth preserving as other parts of the country do.

(Cries of 'No.')



[ Mr. Wajid Hussain. ]

Or it may be that their claims were not properly put forward before the Imperial Government. Whatever may be the reason I do sincerely hope that there is not going to be a reduction of any kind under the head 'Archæology', because I am not the only Member of this House who feels very strongly that this is one of the most important departments of the Government of India. It is a department which is important not only from the antiquarian point of view and the æsthetic point of view, but also from the educational, artistic and historical points of view. It is important from the educational point of view because by reminding us of the glories of our ancestors and of their lives the protected monuments help to grow and foster what is beautiful and sublime in the lives of our young men. In this respect this Department is one of the most powerful machines for promoting the moral welfare of our young men. It is important from the historical point of view because the monuments help us to solve several riddles. It is important from the artistic point of view because this department helps the preservation of the ancient art of this country, and I should be very sorry indeed if any reduction were made in the budget for this department. There is no doubt that the antiquarian point of view is not regarded as the most important point of view in this matter-of-fact age when a great deal that is beautiful in Indian life and in Indian Art has been allowed to perish beneath the dull weight of Western institutions. But the rank and file of the Indian community still attach great importance to ancient monuments, and I hope that the point of view of the general public will be taken into consideration in deciding the matter and that a few gentlemen from Madras will not be allowed to have the matter decided as they want to have it decided. Sir, I do not think any advocacy from me or from anybody else is needed to impress upon the House the importance of this department. I think several Indians feel that by creating this department the Government have strengthened the ties of affection between them and the Government. Personally, I believe that, if all the marks which have been made by the British Government on the moral and material progress of this country were to be wiped off, this Department of Archæology alone would entitle the British Government to the everlasting gratitude of the Indian people. Under the new Reforms this department has been entrusted to this Assembly, and I should like the Assembly to realise its responsibilities in the matter. We are now the custodians of our archæological possessions, and, I think, we should rise to the height of our task and do something more than propose reductions in the Budget.

There is a feeling that the Department of Archæology can be treated with indifference. The obvious reason is that the crumbling walls of our monuments, the slabs of stone, the inanimate pillars of brick and mortar, have no voice and no votes. But it must be remembered that posterity, which will be vocal when we have ceased to be vocal, will have a verdict on our decision in this matter. As time rolls on and we are succeeded in this House by our children, and our children's children, they will learn with regret that the very first Parliament of a Government which is largely Indian thought of cutting down the expenditure under archæology. As a matter of fact, I think there are several monuments which should be brought under the Act, and which have not yet been brought under the Act, and I was looking forward to a large increase in the expenditure under the head Archæology. There is, for instance, the tomb and the temple of the great Baba Kabir Das, a

saint respected equally by Hindus and Muhammadans, which, I am sure, we would like to bring under the Ancient Monuments Act if funds permitted.

Anyhow, I do sincerely hope that the gentlemen from Madras will not be allowed to decide this matter, which is a matter of vital importance to our history, to our literature and to our civilisation.

**Mr. Harchandrai Vishindas:** I now move that the question be put.

**The Honourable the President:** I understand from the Honourable Member that he does not desire to press his motion.\*

The motion was, by leave of the Assembly, withdrawn.

**Mr. B. S. Kamat:** Sir, I beg to move:

‘That the provision of Rs. 8,70,000 for the conservation of ancient monuments be reduced to Rs. 6,00,000.’

I refer to page 126 of the Budget, somewhere on the middle of the page.

Unlike my friends from the Madras Presidency my object in moving this amendment is really to have a reduction of something like Rs. 2,70,000 in the item to provide for the conservation of ancient monuments.

Under ordinary circumstances, I would not have taken more than a minute over this item, but as a good deal has been made by my friends from the Madras Presidency about the value of archaeology, I think it is necessary for me to detain this House for a couple of minutes. Sir, in normal times I would be the first man to support expenditure on the preservation of ancient monuments, and I really believe that the Government of India, as well as the Local Governments, are doing very good work indeed in trying to spend money in preserving the various monuments of this country. But what I feel is this: My friends from Madras, and even the Finance Department, seem to have forgotten that we are passing through times of economic stringency, and it is purely on those grounds that I am moving for a reduction of Rs. 2,70,000. The Members from the Madras Presidency have made it a complaint that they have not been well-treated in the matter of their temples and other monuments. But I take the liberty of controverting that statement by pointing out to them that in the year 1919-20 the expenditure on archaeology in the Madras Presidency as shown in this Budget was Rs. 48,000 odd. This year, if this Budget is passed, so far as the Madras Presidency is concerned, they will get Rs. 62,000, as will be seen from the grand totals given at page 55; and out of this Rs. 62,000, Rs. 54,000 are earmarked specially for the conservation of monuments. Now, my objection to this particular item of Rs. 8,70,000 is this. If you scan the different columns, you will find this is a totally new idea this year. There is no corresponding item during the previous two years. Now, I believe that in an exceptional year like this and in a year of deficit there should not be introduced a new item of something like Rs. 8,70,000. I am unable to understand what this deputation of Sir Aurel Stein is. If it is anything like the visit of the American lecturer, then I think we can wait for the deputation to do its splendid work till better times come. I would also ask my friends from Madras to hold themselves in patience for twelve months.

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\* *Vide* page 965 of these Debates.

[ Mr. B. S. Kamat. ]

There is one more point—a point which is in my favour and which I wish to lay before this House. I am not asking for the total omission of these Rs. 8,70,000. I wish to retain in the Budget something like Rs. 6,00,000 under this head, and if this is done then I believe it will satisfy my friends from Madras if this item of Rs. 2,70,000 which I wish to reduce could be spread over expenditure for the various Provinces. If this reduction of Rs. 2,70,000 is effected and the Madras people still want to go on with the preservation of their ancient monuments, surely it could be devised that their item of Rs. 54,000 should not be cut down; other Provinces, *e.g.*, the United Provinces, which is getting two lakhs' old—might be cut down instead. The reduction of the amount by Rs. 2,70,000 might thus be spread over the other Provinces and Madras could be satisfied. I therefore hope that the Assembly will accept my motion and give this deputation only six lakhs while also giving something to Madras.

**Mr. J. R. Pantulu Garu:** Sir, I hope the House will reject the Honourable Mr. Kamat's motion. I have already said that if there is one department where some excess expenditure or expenditure which some Members may consider to be in excess of actual requirements, may be overlooked or condoned, it is the department of archaeology; and my friend from the major provinces has very strongly supported this view, and I hope that it will have due weight with the Members of this House. Well, Sir, the Honourable Member seems to think that we Members from Madras want to plead for a larger grant for Madras as if we think that the antiquities of Madras are more useful to the Madras people than to the rest of India. Antiquities, whether they are in Madras or in the United Provinces or in the Punjab or in Rawalpindi are of equal importance to the whole of India, I should say, the whole of the civilised world. The antiquities of Taxilla and Nalanda, are they not quite as useful to the people of the Tinnevely District as they are to the Punjab? And are they not as valuable to the people of England, Europe and America as they are to the people of the place where they are situated? It is not a Provincial question at all, it is a question of great importance to the whole of India, I should say the whole of the civilised country. That being the case, I hope this House will not take the view that we plead for more money for the preservation of monuments in a certain part of the country, that we do it because we belong to that particular part of the country.

I shall avail myself of this opportunity to say a word or two about the publication of inscriptions collected in the Madras Presidency, on which Sir P. S. Sivaswami Aiyer made some remarks earlier in the debate. I was one of those persons that pressed this point, I mean the need for greater publication of inscriptions that are collected in the epigraphical department of the Government when the late Mr. V. Krishnaswami Iyer was an executive Member of that Government; and he took special interest in the subject and they went at some length into that matter, and I believe they have made some arrangements by which these inscriptions that are collected by the Madras Epigraphical Department will be published in larger numbers hereafter than has been the case hitherto. I believe the great difficulty with them is to secure competent persons to transcribe the inscriptions of which records have been taken. I know the Madras Presidency has done much more in the way of collecting inscriptions than any other part of India. That was probably because the Government Epigraphist has all along been in the Madras Presidency. We

have got, Sir, an enormous number of inscriptions collected from different parts of the Presidency, and several of them have been transcribed, but the greatest difficulty in the matter of publication of inscriptions is to prepare correct transcripts. Very often the inscriptions that have been taken by the department are not always reliable; they have very often to be compared with the original inscriptions, the stone inscription at site. I know about a year ago my friend, Rao Bahadur R. Krishna Sastri who, I am glad to say, has now been appointed the Government Epigraphist for the whole of India, he spent a whole month or two at Dharaksharama in the Godavari district, verifying his transcripts by reference to the original inscriptions on the walls of the great temple there. So, I believe the great difficulty in pushing on with the publication of these inscriptions is to get properly trained men to prepare correct transcripts. The most scientific method of publishing inscriptions is that which was adopted in publishing them in the "Epigraphica Indica" which is the journal of the Epigraphical Department. I believe that method cannot be improved upon. If we do not follow this method, I believe we will have to wait for a century or more before we can see those inscriptions published. So what has been suggested in Madras is that a sort of interim publication of inscriptions should be made, *i.e.* only correct transcripts with rough translations of those inscriptions should be published on the lines of the "Epigraphica Indica" series which the Mysore Government have issued. I hope, therefore, now that the subject has come under the notice of the Government of India, they will do their best to help the Government Epigraphist to push on the publication of his inscriptions, of which he has got several thousands in his office.

**Mr. H. Sharp:** Sir, may I, in the first place, take the opportunity of assuring the Honourable Member opposite, whose interest in archaeology I rejoice to see, that there is no intention of committing any vandalism under the purchase of antiquities. It is true that certain interesting relics have had to be removed from the place where they lay; but that was long ago and that was done simply to preserve them from being looted by the people round to build houses, etc. I could give instances, such as the rail of the Amravati *stupa*, which is in the Madras museum, and the famous Barhut rail which is in the Calcutta museum. May I also assure the Honourable Member that the purchase of antiquities is probably for the purpose of copper plates and manuscripts, and I dare say small objects of value which are found lying about in obscure places and have to be brought in to central museums and so forth so as to secure their preservation.

I can assure Mr. Sheshagiri Iyer that I shall speak to Sir John Marshall about what he says regarding inscriptions. I should like to point out here, as I have already said, that we are doing everything possible to improve the epigraphical work in Southern India, which is most important; and it has not been disregarded. Though I admit that owing to the war we could not do much in the past, we are going to try and do better now.

With reference to what Mr. Jogesh Chandra Chaudhuri said, the Government of India also have given money to research students, or rather for training students and bringing them up to research. I know that the Rajshahi Society is doing the most excellent work, but I do not know that it has approached the Government of India for scholarships. Possibly it would be a matter for the Local Government. But any way I would like to make one general remark in that matter, and that is, the Government of India have not got second sight and they cannot see all the requirements in the Provinces.

[ Mr. H. Sharp. ]

As regards both Bengal, and also to some extent Madras, it is necessary that people should make themselves heard and that we should get estimates of the required expenditure in proper time. At the same time, I welcome all the remarks that have been made by the previous speakers.

Now to turn to Mr. Kamat, I do not think from the tenour of the speeches that we have heard to-day from my Honourable friend Chaudhuri Wajid Hussain and from the Madras Members, that his Resolution is going to meet with very much support. Moreover, I do not know whether he was here when I explained the matter as plainly as I could. Possibly he was not. But I repeat that this figure of Rs. 8,70,000 is a reduction by nearly Rs. 4 lakhs on the figures which were disclosed to us by the Local Governments. There is not a pice of new expenditure here. In fact, it is a reduction in the demands disclosed.

Can we possibly go further than reducing this by 4 lakhs? Were we to do so, I must point out that we should run the gravest risk. These monuments, many of which within the memory of those of us here, were in a most lamentable state and were lying open to the depredations of villagers as well as of the climate, have now for some years been properly preserved with very great care and at considerable price. Are we, by one or two years' neglect of these various monuments, to throw away the labour of all these years and all the money that Government, and private endeavour too, has spent upon them? Why, it would be throwing away the priceless national heritage which India possesses in these most magnificent monuments. Is there a country in the world which has such splendid monuments as India possesses? It would be a most grievous thing, and India as a whole would lay herself open to well deserved criticism if such a thing were done. I do not think that I need say more upon that matter.

There is a second point—that about Madras; and that, Sir, seems to be a misunderstanding on the part of Mr. Kamat which I will try to make clear. The fact of the matter is that the Madras figures, as put down here, refer to establishment and contingencies. The Madras and the Burma establishments used to be paid by the Madras and the Burma Governments. It is now, as part of the reforms, intended to pay for them from central revenues. But, owing to the lateness of this arrangement and the fact that they had been already budgetted for in the Provincial Budgets, it was not thought worth while to disturb the arrangements; so the establishment and the contingencies are put down there, but not the conservation. The conservation is put down on page 126, not on page 127 nor 128, so that so far as that is concerned, there has been no increase.

There was one other point that he spoke about, and that was the deputation of Sir Aurel Stein. Well, that as a matter of fact, is Sir Aurel Stein's pay. It is called deputation allowance because he is on special duty, and therefore it is put down as deputation. That, I quite admit, was liable to some misunderstanding, but everyone here, I am sure, knows the distinguished name of Sir Aurel Stein, who has such a world-wide reputation and who has just brought out his new great book upon his discoveries among the desert cities and wild places of Central Asia. He is an officer of the Department and has been so for many years.

There was one other little point. It was suggested that Madras might still get their money if the amount for the United Provinces were reduced.

I think if that were seriously pressed, we should have a very strong outcry from my friend Chaudhuri Wajid Hussain and from various other representatives of the United Provinces. What about Agra? What about the Taj, Fatehpore Sikri, Benares, Sarnath and many other places in the United Provinces? The United Provinces are rich in monuments, i.e. archaeological remains which require the most careful keeping up and which are visited by thousands and tens of thousands of people, both Indians and also people who come to this country specially to see them. I do not think that that would be acceptable at all either to the United Provinces Government or to its representatives here.

Well, Sir, I do not think that it is necessary for me to say anything more on this subject. I believe fully that the sense of this Assembly will not be in favour of any reduction, and I trust that I have now made things clear to Mr. Kamat and that he will not press his motion.

**Mr. B. S. Kamat :** I think, Sir, that it is the wish of almost everybody in this House that I should withdraw my motion, and with your permission I will do so in deference to my friends.

The motion\* was, by leave of the Assembly, withdrawn.

**Rao Bahadur T. Rangachariar :** Sir, having regard to what my Honourable friend, Mr. Sharp, has told us, I think the best thing will be for me not to press the motion I had in the List of Business.

**The Honourable the President :** The question is :

‘That a sum not exceeding Rs. 11,55,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March, 1922, in respect of ‘Archæology’.’

The motion was adopted.

**The Honourable Sir Thomas Holland :** Sir, I move :

‘That a sum not exceeding Rs. 1,69,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March, 1922, in respect of inspection of mines.’

Mines.

The motion was adopted.

**Mr. H. Sharp :** Sir, I beg to move :

‘That a sum not exceeding Rs. 3,51,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March, 1922, for other Scientific Departments.’

Other Scientific Departments.

The motion was adopted.

**Mr. H. Sharp :** Sir, I beg to move :

‘That a sum not exceeding Rs. 18,19,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March, 1922, in respect of ‘Education’.’

Education.

The motion was adopted.

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\* Vide page 971 of these Debates.

**Mr. S. P. O'Donnell:** Sir, I beg to move :

That a sum not exceeding Rs. 16,24,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st March, 1922, for Medical Services. 'Medical Services'.

#### GRANTS FOR MEDICAL PURPOSES.

**Rao Bahadur T. Rangachariar:** Sir, I beg to move :

'That the provision for grants for medical purposes of Rs. 6,28,300 under head Medical Services be reduced by Rs. 6 lakhs.'

My Resolution may appear extraordinary but I have moved it in order to meet an extraordinary procedure adopted by the Government. Time after time in the old Imperial Legislative Council the question of the Ayurvedic system of medicine has been discussed: Even so recently as last year the Council passed a Resolution that a grant be made to a very useful college here—the Tibbi College in Delhi. And my recollection is that that Resolution was passed by the Council last year. But I find a number of grants made to the various institutions imparting relief on the Western system, but not a single pie is provided for any of those institutions giving relief under the Yunani and Ayurvedic systems. I think, Sir, we have a very legitimate ground of complaint against the department in this matter. They have been quite unsympathetic in respect of these systems of medicine. I do not know why, along with the grants made to these institutions for encouraging Western systems of medicine, these were not encouraged. I should like to know why such grants are not made. I think, Sir, the population of this country is too large for providing medical relief to the people on the Western system. On the other hand, it is our duty to take advantage of the ancient systems of medicine and encourage them, and I do hope that some effort will be made, at least now that we are in the majority in this Assembly, to give effect to our wishes in this matter.

**The Honourable Sir William Vincent:** Sir, the Honourable Member has chosen, if I may say so, a somewhat drastic remedy in regard to this demand. He proposes, if he had his way, that the medical grants should be cut down by Rs. 6,00,000. But, knowing him, I am quite sure that what he intends really to do is to draw attention to the necessity of Government's giving some encouragement to the Yunani and Ayurvedic systems. And here I would like to correct one statement about our action last year. What happened last year in the Imperial Council was this. I was asked, I think, by Mr. Haroon Jaffer whether we would give a grant for the Ayurvedic and Tibbi Medical Institution in Delhi, and, having secured the reluctant consent of the Honourable the Finance Member, who was willing enough to give what he could, though not anxious to spend anything unnecessarily, I said that I would do so if a proper scheme was put before me—that is a scheme which I could submit to the scrutiny of the experts and of the Finance Department. And as I said in another place and say again now no man who was in any way responsible for the expenditure of public money could have demanded less than that. Well what happened after this? I waited a whole year and was quite prepared to make good my promise. It is not my fault that nothing was given. The head of the Ayurvedic and Tibbi Institute here—Hakim Ajmal Khan—for some reason or other refused to come up and ask me for any grant,—owing, I suppose, to his having joined the non-co-operation system. Well, I am not to be blamed if the Government does not offer to support with a grant of money an

institution which is managed by persons who regard us as a Satanic Government and I am not at all sure whether, if I had offered the money, Mr. Ajmal Khan would have taken it. It is very doubtful to my mind whether he would; probably he would have refused it. Am I to be held to blame on this account? I hope that the Honourable Member, so far as this statement is concerned, will acquit Government of any blame. In so far as the merits of these systems are concerned, I hesitate to make any observations. I am told that in practice they prove very beneficial to many persons, whatever be the scientific basis for the treatment, and I know that the medicines and methods of these practitioners are much appreciated by Indians.

This grant, however, to which the Honourable Member referred, comes very largely from five minor administrations. We undertake no direct administration ourselves at all, and, if Honourable Members will look for one moment at this Demand on the table before them they will see that the Central Government, except the provision for the office of the Director General, Indian Medical Service, have little to do with the expenditure of the grant. The other demands come from Delhi, Ajmer, Baluchistan, and various small places. The amounts are mostly small.

However, I give an undertaking that if any of these Local Administrations come up to us with a reasonable scheme for a grant for medical treatment according to the systems under discussion, the Government of India will be quite ready to consider it sympathetically.

**Rao Bahadur T. Rangachariar :** With that assurance, Sir, I do not press my motion.

The motion\* was, by leave of the Assembly, withdrawn.

**The Honourable the President :** The question is :

‘That a sum not exceeding Rs. 16,24,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of ‘Medical Services’.

The motion was adopted.

**Mr. H. Sharp :** Sir, I beg to move :

‘That a sum not exceeding Rs. 11,34,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending 31st day of March 1922 for ‘Public Health’.

**Rai Sahib Lakshmi Narayan Lal :** Sir, on page . . . .

**Rao Bahadur T. Rangachariar :** May I rise to a point of order, Sir? This motion is not printed on the agenda for to-day.

**The Honourable the President :** The time-limit for notices of motion was deliberately suspended by the Chair for the convenience of the Assembly. In accordance with the decision given by the Chair, the Honourable Member whom I have called upon gave the necessary notice, but owing to the fact that the Assembly desired a relaxation of the rules, we have not had time to circulate the motion in a printed form. I leave it to the Assembly to settle with the Finance Member how far they are prepared to go to-day.



**Sir Jamsetjee Jeejeebhoy :** I do not see why notice is required, Sir. All these amendments are on the same lines, and if the Honourable Member will move it now, we will be in the same position as if it were printed and placed on the table.

**The Honourable the President :** The motion that the Honourable Member has to move is :

‘ That the provision of Rs. 88,500 for Local Funds, Delhi, on page 149, be reduced to Rs. 44,250. ’

#### LOCAL FUNDS, DELHI.

**Rai Sahib Lakshmi Narayan Lal :** Sir, I beg to move :—

‘ That the provision of Rs. 88,500 for Local Funds, Delhi, be reduced to Rs. 44,250. ’

For Local Funds, Delhi, a sum of Rs. 88,500 has been provided. It was Rs. 29,850 in 1919-20. In 1920-21 it came to Rs. 55,000. The Revised Estimate for 1920-21 came to Rs. 1,18,000. But though that Revised Budget figure has not been asked for it has been kept at Rs. 88,500. No doubt, in my humble opinion, Public Health is a most important subject, over which money can be spent ; it is at least as important as the military item, if not more important than that. What can a strong army do if the people are swept away like flies by epidemics, as is the case, almost every year, in India?

The Honourable Members must be aware that the Ministry of Health, London, has furnished a grave warning that there is a fear of an epidemic of influenza again just like what it was in 1918 and 1919, and this was the subject of my question, before this House, the other day. In reply it was said that, for want of money, nothing worth the name could be done. Instead of making any provision for such a serious matter, I am sorry to find, that more provision has been made here, than in previous years, under this head. I hope that the Honourable Members will agree that this item should be kept as it was in previous years at least. I have moved a motion :

‘ That it should be half the amount, that is, instead of 88,500 it should 44,250 ’.

Regarding the indigenous treatment, it has been already dealt with by an Honourable Member in connection with the other subject (that is, Medical). I have to say only one word about that. The Ministry of Health has said that influenza is a mystery disease according to allopathic doctors, therefore, it is a fit case in which the Unani and Ayurvedic doctors and experts should be put to the test whether in their own country, according to their own systems, they can do anything to save their people or not. I hope that the Honourable Members will support my motion.

**Mr. H. Sharp :** Sir, while I was listening to the speech of the Mover of this Resolution I really was not quite sure whether he was supporting his motion or going against it. I rather thought the latter, because he definitely seemed to be calling for larger grants for sanitation in India. Because we are giving some money to Delhi, that is no reason why we should be cutting down the general provision for India, nor certainly are we doing so. We have made such provision as we can against a fresh attack of influenza and in other directions.

The Honourable Member brought in the question of Ayurvedic and Unani medicine. I am not quite sure whether it was quite in order with reference to

this Resolution and I do not propose to touch on it. I propose now merely to address myself to the actual Resolution as put forward, that is, the cutting down of this provision of Rs. 88,500 for Local Funds, Delhi, and its reduction to a lower sum. In speaking about Delhi, I naturally feel some diffidence, because I am dealing with local matters, with the details of which one is not always fully familiar. If I go wrong, the Honourable Mr. Hailey, who has great knowledge of this subject, will be able to correct me. Delhi is one of those cases where we have to support a small administration which is not fully able to support itself.

It may seem to some that we are giving too large an amount to Delhi. If that is so, all I can say is that it is so because the Government of India are very solicitous for the welfare, health and comfort of this Assembly and of the Council of State and of the other distinguished personages who occasionally come to Delhi. But I doubt, Sir, whether the sum really is so very large. I must go into a little detail, but it will not take me very long. This sum of Rs. 88,500 consists in the first place of normal grants—Rs. 50,000 for general purposes of sanitation and Rs. 5,000 for rural sanitation. But last year the Chief Commissioner came up with a very large number of special schemes, many of them being of an extremely urgent nature. The cost of these schemes totalled over 3 lakhs of rupees, namely, Rs. 2,55,000 for works under the municipality and Rs. 51,500 for special works of rural sanitation. I can assure my Honourable friend that we did not treat the Chief Commissioner nearly so kindly as he had hoped. We cut out a lot of these schemes and we gave him only Rs. 80,500, of which we are giving Rs. 50,000 this year and we propose, if this Assembly does not stop us, as I hope it will not stop us, giving Rs. 30,000 next year. Well, the Honourable Member drew a comparison between the accounts of 1919-20 and this very large sum apparently of Rs. 88,500 during the current year. But it has to be remembered that this large item to which I have just referred is of the nature of a special grant for special works and it will not be a recurring grant, at least so far as I am aware. Now as regards these works, I can show them to the Honourable Member. I have got a list of them. I am not going to trouble the Assembly with them, because, if I merely read them out, I should far exceed the time-limit. But I will show them to the Honourable Member some time if he desires it. These works are of an emergent nature; and moreover, as they have already been begun, it surely would be an unbusinesslike proceeding, if, having given part of the grant this year, we were to shut them down and stop them and probably waste a lot of the work that has been done during the forthcoming year. I hope that possibly in the light of these explanations the Honourable Mover will not press this amendment. I think that it is really not too much to give; and I might just mention that the sum below, Rs. 24,000, which is put down for sanitary improvements in Delhi is not correctly described. It does not belong to Delhi. A part might go to Delhi but it goes to other municipalities as well.

**Rai Sahib Lakshimi Narayan Lal :** After what has been said on behalf of the Government and seeing also that the sum budgetted is less than the estimated revised estimate of last year, I shall withdraw my amendment.

The motion\* was, by leave of the Assembly, withdrawn.

\* *Vide* page 978 of these Debates.

## CENTRAL HEALTH BOARD, DELHI.

**Rai Sahib Lakshmi Narayan Lal :** Sir, my next motion is :

‘ That the provision of Rs. 50,000 for the Central Health Board, Delhi, be omitted.’

On page, 149, Honourable Members will find a provision for Rs. 50,000 for the Central Health Board, Delhi. This is entirely a new item. We are dealing with a very bad year, a year of huge deficit leading to heavy fresh taxation which will not fail to touch the pockets of the poor dumb millions who do not know how to make both ends meet. No doubt there are many ambitious schemes before the Government and before this House, but the question is whether, in such a year, when the Budget itself is based on the hope that the future monsoon may prove more hopeful and more favourable, we, Sir, as practical men in pecuniary questions should trust the future, however pleasant it may be, it is just possible that, if we go on initiating new schemes, we may be put to further difficulties, which we are not foreseeing. So, in my opinion, this new scheme should not be started and may be safely postponed for this year. Whatever I have said before in regard to the other motion, applies, *a fortiori* to this also ; but I should like to curtail my speech because I am asking the Government to curtail the expenditure.

**Mr. R. A. Spence :** Sir, in view of the importance of this subject to Delhi, I move :

‘ That the consideration of this question be adjourned until such time as the Member for Delhi can be present and speak about it.’

**Sir P. S. Sivaswamy Aiyer :** Sir, if I am in order, I beg to move an adjournment of the House till 11 A.M., on Monday, the 14th. At this time we are hardly in a condition to resist the demands of Government.

**The Honourable the President :** Seeing that the Honourable Member has shown the weakness of his position, he had better come to terms with the Honourable the Finance Member before making his motion. I do not know whether he has already done so.

**The Honourable Mr. W. M. Hailey :** I am willing to do anything to meet the convenience of the Houses the more so, as I am glad I think we have now made sufficient progress to enable us to get through our remaining work in time without undue haste.

**Mr. Harchandrai Vishindas :** I move that the question be now put.

**The Honourable the President :** The question is :

‘ That the provision of Rs. 50,000 for the Central Board, Delhi, be omitted.’

The \*motion was negatived.

**The Honourable the President :** The question is :

‘ That a sum not exceeding Rs. 11,34,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 for ‘ Public Health.’

The †motion was adopted.

The Assembly then adjourned till Monday, the 14th March 1921.

\* *Vide* page 979 of these Debates.

† *Vide* page 977 of these Debates.

# LEGISLATIVE ASSEMBLY.

*Monday, 14th March, 1921.*

—  
The Assembly met in the Assembly Chamber at Eleven of the Clock. The Honourable the President was in the Chair.

## MEMBERS SWORN :

—  
Rai Tara Prasanna Mukerjee Bahadur, M.L.A. ; Munshi Abdul Rahman, M.L.A.

## QUESTIONS AND ANSWERS.

### FOREIGN COAL AT THE PORT OF BOMBAY.

451. **Mr. N. C. Sircar :** (a) Is the Government aware that arrangement is being made for the import and use of foreign coal at the Port of Bombay ?

(b) Will the Government be prepared to remove the restriction on shipment of coal to foreign ports earlier than 31st March 1922 ?

(c) Will the Government state if licences for shipment of coal are granted to persons or firms other than colliery owners and recognised Colliery Managing Agents in super-session of the recommendations made by the Conference which sat in Calcutta on 10th June 1920 ?

(d) If the answer is in the affirmative, will the Government be pleased to state how many such licences were issued to persons and firms other than colliery owners and recognised Colliery Managing Agents ?

**Mr. C. A. Innes :** (a) Yes.

(b) The Government do not propose to retain the restrictions on the export of coal to foreign ports any longer than is absolutely necessary.

(c) Licences for export are issued by the Collector of Customs, Calcutta. The Government understand that in issuing licences he does not interfere in any way with the placing of contracts for coal. Thus licences for the export of bunker coal to Bombay are issued to the bunkering firms at Bombay and these firms place their contracts at their discretion.

(d) The Government have no information.

### IMPORT AND EXPORT OF GOODS ACT.

452. **Mr. N. C. Sircar :** (a) Did the Government, before introducing the Bill further extending the duration of the Import and Export of Goods Act, 1916, up to 31st March 1922, take an estimate of stocks of rice and paddy in India, and of the estimated consumption of the country, and, if so, what are the estimated figures of stock and consumption ?

(b) Do the Government intend to remove the restriction on export of rice to foreign ports at an earlier date than after 31st March 1922, if they find at the end of September next a bumper crop ?

**Mr. J. Hullah :** (a) The answer is in the negative.

(b) Government have decided on no definite date for the removal of restrictions on export of rice. They intend, as they have previously announced, to remove the restrictions as soon as circumstances permit.

#### LISTED POSTS IN VARIOUS PROVINCES.

453. **Rai G. C. Nag Bahadur :** (a) With regard to the statement furnished showing the number of 'listed' posts in the various provinces in reply to Question No. 37 asked by Mr. Ali Buksh Muhammed Hussain on the 15th February 1921, will the Government state the reasons why, of all provinces, Assam has been denied the favour of any such posts?

(b) Has the Assam Government made any proposals for creation of 'listed' posts in that province?

(c) Will the Government of India inquire and let this Assembly know the reasons why the Assam Government has not promoted any Member of its Provincial Service permanently yet to a single superior post in that province?

(d) Is the Government aware that there is a great dissatisfaction among members of the Assam Provincial Service (*vide* evidence given by members of the Service before the Public Services Commission) owing to the neglect of the Assam Government to throw open any superior posts permanently to the deserving members of that Service?

**Mr. S. P. O'Donnell :** Although no post is shown against Assam in the statement referred to in part (a) of the question, there is in fact one post of District and Sessions Judge which is listed as open to members of the Provincial Service in Assam. This post, however, as well as the two other posts of District and Sessions Judge, is borne for purposes of recruitment on the cadre of the Bengal Presidency and is, therefore, included in the twelve listed posts shown against Bengal. The Assam Government has also intimated that it is prepared to allow at present three superior posts to be held by officers of the Provincial Civil Service, and it is open to the Local Government to make appointments from the Provincial Civil Service to these posts.

As regards the other points I would refer the Honourable Member to the Local Government.

#### CIVIL AND MILITARY ASSISTANT SURGEONS.

454. **Rai G. C. Nag Bahadur :** Will the Government be pleased to furnish a statement showing the comparative qualifications of Civil and Military Assistant Surgeons?

**Mr. S. P. O'Donnell :** The qualifications held by Military Assistant Surgeons at present are as follows :

1. Holding diploma granted after examination held by the Director General, Indian Medical Service . . . . .	658
2. Licentiate, College of Physicians and Surgeons, Bombay . . . . .	20
3. Licentiate, State Medical Faculty, Bengal . . . . .	2
4. Licentiate, Board of Examiners, Madras . . . . .	35
5. Holding qualifications registrable in England . . . . .	11

The examination of the Director General, Indian Medical Service, ceased to be held except as a special war measure when the Indian Medical Degrees Act, 1916 (Act No. VII of 1916) became operative.

Civil Assistant Surgeons are usually graduates or licentiates in medicine of the Medical Colleges in Madras, Calcutta, Bombay, Lahore and Lucknow or Members of the Provincial Medical Faculties. A certain number of appointments as Civil Assistant Surgeons are reserved for selected Sub-Assistant Surgeons.

#### CIVIL AND MILITARY ASSISTANT SURGEONS.

455. **Rai G. C. Nag Bahadur:** (a) Is it true that during the war, the Military Assistant Surgeons were as a rule employed only as Assistant Surgeons (Warrant Officers), whereas Civil Assistant Surgeons had always been granted commissioned rank in the Indian Medical Service?

(b) Was the above differential treatment due to inferiority of qualifications of Military Assistant Surgeons as a class?

**Sir Godfrey Fell:** (a) Temporary commissioned rank in the Indian Medical Service during the war was open to all, including Military and Civil Assistant Surgeons, who possessed medical qualifications registrable in the United Kingdom. In 1917, temporary commissions were granted to private practitioners, Civil and Military Assistant Surgeons holding the diploma of Licentiate of Medicine and Surgery of the Madras University, the Membership of the State Medical Faculty of Bengal and the Membership of the College of Physicians and Surgeons of Bombay. Officers so recruited were employed East of Suez, and were ineligible for permanent commissions unless they acquired registrable qualifications. Military Assistant Surgeons who did not possess these qualifications were employed as Assistant Surgeons. Assistant Surgeons, I may point out, are graded not only as Warrant Officers, but also as Lieutenants, Captains and Majors, according to their standing and length of service.

(b) This part of the question does not arise.

#### MILITARY ASSISTANT SURGEONS IN ASSAM.

456. **Rai G. C. Nag Bahadur:** (a) Is it true that in the Province of Assam, the Military Assistant Surgeons have a cadre of 7 against 32 for the Civil Assistant Surgeons, and that the former have three permanent Civil Surgeoncies reserved for them, while the Civil Assistant Surgeons have got only one such appointment open to them, and that one also jointly with the Military Assistant Surgeons (*vide* Chief Commissioner's Resolution, dated the 29th November 1920).

(b) Is the Government of India aware that the above Resolution of the Chief Commissioner has caused great dissatisfaction among the Civil Assistant Surgeons of Assam? (*vide* the *Times of Assam*, dated the 1st January 1921, and subsequent issues).

**Mr. S. P. O'Donnell:** (a) The figures given by the Honourable Member are apparently not quite accurate. There appear to be 9 appointments in Assam reserved for Military Assistant Surgeons and 32 for Civil Assistant Surgeons. Three appointments of Civil Surgeons are reserved for Military Assistant

Surgeons and one appointment for Civil Assistant Surgeons. The statement in the Resolution of the Chief Commissioner does not mean that the one appointment of Civil Surgeon reserved for Civil Assistant Surgeons may be held by a Military Assistant Surgeon. The Resolution was merely a Resolution announcing the increased rates of pay sanctioned for Civil Assistant Surgeons and for Civil Assistant Surgeons holding charge of Civil Surgeoncies. A selection grade has been established for the latter class of officers and for Military Assistant Surgeons jointly. The one appointment in this grade may be held either by a Military Assistant Surgeon or by a Civil Assistant Surgeon, but if held by a Military Assistant Surgeon this would not reduce the number of Civil Surgeoncies actually held by Civil Assistant Surgeons.

(b) The Government of India have not seen the issues of the newspaper referred to and they have no information on the subject.

#### CIVIL AND MILITARY ASSISTANT SURGEONS AND THE PUBLIC SERVICES COMMISSION.

457. **Rai G. C. Nag Bahadur:** (a) Is it true, as alleged in the *Times of Assam*, that the Public Services Commission recommended that regarding promotion to Civil Surgeoncies, the proportion between the Military and Civil Assistant Surgeons should be one to two?

(b) Has there been any departure from the above principle? If so, will the Government of India obtain an explanation from the Government of Assam of its reasons for such departure?

**Mr. S. P. O'Donnell:** The recommendation of the Public Services Commission was that after satisfying existing vested interests no more than one-third of the superior appointments not reserved for officers of the Indian Medical Service should be allotted to promoted Military Assistant Surgeons. The reservation at present of three appointments of Civil Surgeons for promoted Military Assistant Surgeons is thus not inconsistent with this recommendation. Moreover, the Civil Surgeoncies in Assam, now held by Military Assistant Surgeons, include those of the Lushai Hills, the Garo Hills and the Sadiya Frontier Tract and it is doubtful whether these appointments would be much sought after by Civil Assistant Surgeons. As I have already stated, however, in the reply to the previous question, the orders of the Chief Commissioner were merely orders applying the increased rates of pay to the existing cadre of Civil Assistant Surgeons. They did not take into account the reorganization of the Medical Services which may be expected in the near future. As regards this point, the attention of the Honourable Member is invited to the reply given by me to Question No. 197 asked by Mr. Sambanda Mudaliar at the meeting of this Assembly on the 19th February 1921, from which he will see that the matter is now one within the discretion of the Local Government.

#### MESSAGE FROM THE CITIZENS OF CUTTACK.

458. **Babu Braja Sundar Das:** (a) Are the Government aware that the citizens of Cuttack, in a public meeting, held by the second week of January

last, entrusted a message, purporting as follows, to the Ministers of Bihar and Orissa to convey it to the Provincial and Imperial Governments :

‘ That this meeting of the citizens of Cuttack beg to entrust this message to the Ministers of the Province, that the fire of discontent which is fast spreading and for which the Government are primarily responsible will not abate, until, and unless the local and general grievances of the people are speedily removed.’

(b) With reference to the pronouncement that ‘ non-co-operation takes hold of grievances where they may exist. It behoves us so far as in us lies to remedy these grievances ’ made by His Excellency the Viceroy at a farewell dinner at the Calcutta Club, will the Government be pleased to state what steps are they going to take :

(i) to ascertain the most immediate and long-standing grievances of the people in general and of people in particular advancing racial, communal, linguistic and territorial grievances ?

(ii) to remedy those grievances immediately where they have been proved real to the satisfaction of the Government and where they have been admitted as wrongs done to a people by pure accident ?

(iii) and to indicate clearly and in unequivocal terms the reasons where the grievances fail to commend themselves to the sympathetic consideration of the Government ?

**Mr. S. P. O'Donnell:** (a) The answer is in the negative.

(b) The Honorable Member is referred to the debate on 5th March in this House on Mr. Muhammad Yamin Khan's Resolution, and to the reply given to the question asked by Mr. Lindsay on the 7th March.

#### RACE, CASTE AND CREED IN CENSUS OPERATIONS.

459. **Babu Braja Sundar Das:** (a) Will the Government be pleased to state the principle and the procedure in conformity with which the race, caste and creed of an individual is recorded in the census operations ?

(b) Are they recorded (i) as dictated by the individual ? or (ii) as decided by the officer in charge of the records ?

(c) What is the authority or the standard of judgment referred to in case of a conflict between individuals and the officer in charge of the census records ?

(d) Will the Government be pleased to state the number of Oriyas in the district of Midnapore as recorded in the Census of 1901 and 1911, respectively ?

(e) How can the Government account for the vast decrease of Oriya population in the district of Midnapore in 1911 ?

(f) Do the Government propose in the border districts of provinces or presidencies inhabited by two distinct races to direct the officers in charge of the census operations to (i) record the school of Hindu Law that governs the individual with regard to his succession, and (ii) to classify Hindus in general in each province according to the school of Hindu Law that governs their succession ?



**Mr. H. Sharp :** (a), (b) and (c). The general principle is that the enumerator should record the religion and race or caste as returned by the person enumerated, provided that the answer given is sufficiently precise to afford the information required and is not, so far as the enumerator knows, incorrect. Certain instructions are issued by the Provincial Census Superintendents to the enumerators with a view to avoiding doubtful or ambiguous returns and to obtain the full information required in the Schedule. If the return made is unintelligible or obviously incorrect, the enumerator would endeavour to obtain the correct information by inquiry or refer the matter to his Supervisor for decision. Applications are sometimes made to the Census Commissioner or Provincial Superintendents asking that instructions should be issued for the entry of a certain caste or group under a particular designation. The decision to admit any such designation in the Census Schedule, where it is returned, lies with the Provincial Superintendent subject to the orders of his Local Government. The subsequent classification of the groups for the purposes of Census Tables is determined by the Provincial Superintendent subject to the orders of the Census Commissioner.

(d) and (e). By Ooryas the Honourable Member presumably refers to persons speaking the Oorya language. The number in the Midnapore district in 1901 was 270,495 and in 1911 it was 181,801. The reasons for the decrease are given in paragraph 733 of the Census Report for Bengal for 1911. The language spoken in this district is a mixture of Oorya and Bengali. It is sometimes described as one and sometimes as the other, and the returns of the last three Censuses show that the dialect is being more and more usually described as Bengali and replaced by the Bengali language.

(f) As the Census is to be taken on the 18th of March it is too late to issue instructions of the kind suggested even if the information contemplated fell within the scope of a Census.

ist.

#### INCOME-TAX COLLECTIONS.

460. **Mr. M. K. Reddiyar :** Will the Government be pleased to give the amount collected in the form of income tax on incomes derived from private markets in :

- (a) the District of Malabar ;
- (b) in the Presidency of Madras ?

**The Honourable Mr. W. M. Hailey :** I do not think, Sir, that accurate statistics exist anywhere which would enable us to supply the information asked for.

**Mr. K. Muppil Nayar :** Arising from that answer, Sir, will Government be pleased to ask for the information ?

**The Honourable Mr. W. M. Hailey :** I would suggest, Sir, that the question be asked in the Madras Council to which it pertains.

#### CATTLE BREEDING AND DAIRYING INDUSTRY.

461. **Rai Sahib Lakshmi Narayan Lal :** (a) What steps have been taken by the Government regarding the scheme for the investigation of cattle

breeding and of the dairying industry in India, as recommended by the Board of Agriculture, India, in 1916 and sanctioned by the Secretary of State for India?

(b) Has any organisation as contemplated by the aforesaid scheme been formed undertaking breeding operations designed to improve the milking qualities of Indian cattle and inaugurating systematic education in dairying by opening dairy schools, and, if so, with what results?

**Mr. J. Hullah :** The scheme for cattle breeding and dairying in India recommended by the Board of Agriculture, 1916, was with certain modifications in detail, sanctioned by the Secretary of State in 1919. In outline the scheme provides for an organisation which, working on the material furnished by the military dairy farms, will undertake breeding operations designed to improve the milking qualities of Indian cattle and will at the same time inaugurate systematic education in dairying by opening dairy schools : one of its principal objects is the encouragement of local effort. The scheme involves the appointment of an Imperial Dairy Expert, a Physiological Chemist to deal with feeding problems and a Second Assistant Bacteriologist at Muktesar for immunizing the stock from disease. An experienced officer of the Military Farms Department was engaged as Dairy Expert in 1920 and his services have been in great demand for the preparation of dairy schemes for public bodies and private enterprise. Unfortunately he has had to proceed on sick leave and his work is now practically in abeyance. A Bacteriologist has also been appointed and is expected to arrive in India very shortly. An experienced Chemist from the Indian Agricultural Service has been selected for appointment as Physiological Chemist and it is proposed to allow him to take over charge of the post at an early date. For the present the Government of India have decided to proceed with that part of the scheme which relates to cattle breeding and the conduct of research work, and to defer the starting of dairy schools until a future date. The Local Governments and Administrations were, however, consulted on the proposal to open dairy schools at certain Military Dairy Farms and with regard to the nomination by them of students to undergo training in these schools. Their replies have been received and are under consideration.

The Government of India have also approved a scheme framed by the Government of Madras for conducting experiments in cattle breeding and feeding at Bangalore.

#### TROPICAL POSSESSIONS OF THE ENEMY.

462. **Rai Bahadur Pandit J. L. Bhargava :** With reference to the reply given by the Government to Question No. 11 asked at the meeting of the Indian Legislative Council held on 30th January 1920, that no decision had by that time been reached in regard to the suggestion that the tropical possessions of the enemy should be handed over to India for colonisation on the ground that they were conquered mainly by Indian troops, will the Government be pleased to state for the information of this Assembly if any decision has by this time been reached, and, if so, what that decision is?

**Mr. C. A. Innes :** The Mandates relating to Tanganyika and Mesopotamia do not give any special rights to India. Under these Mandates equal opportunities are secured to all members of the League.

## REDUCTION OF RAILWAY FARES.

463. **Rai Bahadur Pandit J. L. Bhargava:** (a) Are the Government prepared to consider the advisability of reducing the railway fares as soon as possible?

(b) Are the Government in a position to state when the system of return tickets and other concessions will be reverted to by the railways?

**Colonel W. D. Waghorn:** (a) The Honourable Member is referred to the reply given on 15th February 1921 to a similar question asked by Mr. Bhupatiraju Venkatapatiraju Garu.

(b) It is not possible at present to say by what time railways will be able to resume the issue of return tickets and other concessions.

## WAITING SHEDS FOR 3RD CLASS LADY PASSENGERS.

464. **Rai Bahadur Pandit J. L. Bhargava:** With reference to the reply given by the Government to Question No. 20 asked at the meeting of the Indian Legislative Council held on 20th February 1920, that they understood that screened off accommodation in waiting sheds for 3rd class lady passengers was provided in some cases and that the Government would bring the point to the notice of the railway companies, will the Government be pleased to state what efforts have been made in the year 1920 to provide such accommodation and in how many places such accommodation has been actually provided during that year and what further arrangements are in contemplation to secure that accommodation?

**Colonel W. D. Waghorn:** As was promised in the reply to which the Honourable Member refers, this matter was brought to the notice of the railways last year. Government is not in possession of the detailed information asked for by the Honourable Member: as the matter is one which is within the competence of Railways to deal with themselves, the matter will again be brought to their notice so that it is not lost sight of.

## INTERMEDIATE CLASS ACCOMMODATION IN RAILWAYS.

465. **Rai Bahadur Pandit J. L. Bhargava:** With reference to the reply given by the Government to Question No. 19 asked at the meeting of the Indian Legislative Council held on 18th February 1920, that the Railway Board had suggested to the few important railways which do not provide intermediate class accommodation that the question of its provision should receive careful consideration, will the Government be pleased to state if intermediate class accommodation has now been provided in all railways? If not, do the Government propose to ask such railways as do not provide it at present to provide the same as early as possible?

**Colonel W. D. Waghorn:** Intermediate class accommodation has not yet been provided on all railways.

I would remind the Honourable Member that railways are still suffering from shortage of stock and until such time as additional vehicles can be obtained, the difficulty in providing accommodation in all classes must continue. The matter has not been lost sight of and the railways will again be asked to give it full consideration as new stock is received.

## HOUSE COMMITTEE.

**The Honourable the President:** I have to announce that the following Members of the Assembly are hereby appointed to serve on the House Committee :

Sir P. S. Sivaswamy Aiyer.

Sir Jamsetjee Jeejeebhoy.

Chaudhuri Shahab-ud-Din.

Baba Ujjagar Singh Bedi.

Lala Girdhari Lal Agarwala, and

Mr. Darcy Lindsay.

The first meeting of the House Committee will be summoned by the Secretary of the Assembly and thereafter the business of the Committee will be in its own hands.

THE BUDGET—LIST OF DEMANDS.—*contd.*SECOND STAGE—*contd.**Expenditure from Revenue—contd.*

**Mr. J. Hullah:** Sir, I move :

- ‘ That a sum not exceeding Rs. 7,50,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending 31st March 1922 for ‘ Agriculture’.

## GAZETTED STAFF AT PUSA.

**Rai Sahib Lakshmi Narayan Lal:** Sir, the motion which stands in my name is :

- ‘ That the lump provision for gazetted staff at Pusa (page 152) be omitted. ’

Honourable Members will find that this is a new item and that for ‘ this lump provision for gazetted staff at Pusa ’, two amounts, one of Rs. 40,000 and the other of Rs. 18,820, have been provided and there is no explanation whatever in respect of the latter ; my motion relating, as it does, to one of the items only and that even for the smaller amount, is very modest. The remaining amount of Rs. 40,000 may be so managed as to meet all the necessary requirements under this head. We are not only badly in want of money but we also sadly stand in need of sufficient funds for initiating important agricultural and industrial schemes which are very essential for the improvement of the economic condition of the country—the safest and surest means of making labour sufficiently cheap and efficient by reducing the cost of living and strengthening the hands for striking a fatal blow at the very root of the causes of several strikes that are seriously threatening in certain important quarters. The report on the progress of agriculture in India for 1918-19 (page 133) says : ‘ that the scheme for the investigation of cattle-breeding and of the dairying industry in India, as recommended by the Board of Agriculture in India, 1916 (the initial cost of which is estimated at Rs. 2,22,000 and the net recurring expenditure at

[Rai Sahib Lakshmi Narayan Lal.]

Rs. 1,68,446 per annum) has recently been sanctioned by the Secretary of State for India,—in outline the scheme provides for an organization which working over the material provided by the Military Dairy Farms will undertake breeding operations designed to improve the milking qualities of Indian cattle and will at the same time inaugurate systematic education in dairying by opening dairying schools.' The whole question including animal nutrition problem will now receive due attention from an Imperial point of view—the scheme has as its object the encouragement of local efforts in this direction. Although a sum of Rs. 1,00,000 was provided for cattle breeding and dairying in India in 1920-21, I find, to my greatest regret, and I trust Honourable Members will join me in expressing this regret, that not a single pice has been provided for this most important scheme of agricultural improvement. We are to provide for three possible evils in the country, (1) War, (2) Famine, and (3) Pestilence, and without making adequate provisions for cattle breeding and dairying in India, it is next to impossible permanently to remove to any appreciable extent the last two evils and I may venture to add even the first inasmuch as the majority of the Indian Army consists of Indian soldiers who can be locally recruited in sufficiently large numbers in time of emergency without any prohibitive cost and whose utility has been proved, beyond doubt, in the last world wide war by the bravery of those gallant Indian soldiers who, at present, adorn the Indian Army but strong and brave men like whom cannot be continued to be supplied in sufficient numbers, if India will be left to become weaker and weaker by famine and pestilence which are sucking the very life blood of the masses and classes from which these soldiers are recruited.

After the dawn of Swaraj, the Government, in its own interests, should not follow the policy of that cultivator who cares a good deal for fencing his holding, for good ploughs and for good bullocks but not so much for good manure, and good seed nor for crop and cattle diseases with the inevitable result of bad outturn leading to heavy deficit and the land becoming, in course of time, incapable of producing anything whatever.

All the projects for the development of agriculture and industry are so many seeds for the growth of a strong nation—so essential for the recruitment of efficient men in sufficient numbers for the military as well civil purposes without which it is impossible to maintain an efficient administration. In fact it is at least as difficult to carry on the administration even at its present level of efficiency with our credit impaired as with the vitality of our people weakened from within. A wise poet has long ago seriously warned us that 'A bold peasantry if once destroyed has never been and can never be supplied'. With these few words I move this amendment and hope that Honourable Members will support me wholeheartedly.

**Mr. J. Hullah :** Sir, I was under the impression that under the compromise which was reached on the first day of the discussion of the demands, these lump provisions would be left for consideration by the Finance Committee, but since this motion has been brought, I will give the House some details in anticipation of the submission of the scheme to that Committee. The lump provision is made up of three items, all for expenditure at Pusa. Firstly, the revision of the pay of our Class II Agricultural service; secondly,

a provision for three new appointments in that service; and thirdly, for a revision of the pay of the Electrical Engineer.

The men who fill these Class II appointments are altogether 8 in number. There are two Assistants in the chemical section, one in the Antomological section, one in the Bacteriological section, one in the mycological section, two in the general Agricultural and cattle breeding section, and one in the Indigo section. They are picked men with qualifications equal or somewhat superior to those which are required for admission to the provincial agricultural service. Now, the Public Services Commission investigated the conditions of service not only of the Imperial but also of the provincial services, but they did not look into the conditions of pay of these Class II men at Pusa who are, as I have said, if anything, somewhat superior in their qualifications to the average member of the provincial service, and it is hardly fair, we think, that these men should be left out in the cold when the pay of nearly everybody else has been revised and somewhat increased on account of the cost of living. We, therefore, submitted to the Secretary of State a scheme to pay them at a rate slightly superior to that paid to the members of the provincial agricultural service, and he has sanctioned that scheme. In future, the rate of pay will be Rs. 250 a month during the period of probation, and thereafter the men will rise gradually from Rs. 300 to Rs. 800 in their 27th year of service. That accounts for about Rs. 9,000 of the total provision of Rs. 18,000 and odd which appears in the Budget.

Then, as I have said, we wish to add three new appointments of the same kind, and here I have to inform the Assembly that we propose to make Pusa a first class agricultural educational institution. The Public Services Commission recommended that the Imperial Agricultural Service should be almost wholly indianised, and we are doing our level best to get Indians into that service. We have, as a matter of fact, during the last 14 months obtained 7 men, but it is very difficult indeed, owing to the absence of facilities in India at present, to obtain a first class scientific agricultural education. Practically, if an Indian wishes to enter the Imperial Service, he must go either to the United Kingdom or to America to get the necessary qualifications, and we, with the approval of the Secretary of State, intend to provide those qualifications at Pusa. This will necessitate some increase of the Imperial staff at Pusa, and provision to a certain extent has been made in the Budget by putting in a sum of Rs. 40,000 to which the Honourable Member has alluded in his speech. But it will also mean that the new Imperial men and the existing Imperial men will have to work not only, as at present, on research, but will also have to perform teaching functions, and in order to give them time to do so, they will need assistants for their research. They have, as I have explained, already 8 Assistants, and we propose to give them three more. We propose to give the Botanist one assistant; there will be an assistant for a biological chemist who will be recruited and there will also be an assistant for the physiological chemist, for whom we have provided in the Budget, and who is required in connection with our cattle breeding scheme. That accounts approximately for another Rs. 9,000 out of Rs. 18,000 and odd.

Thirdly, we have revised the pay of the Electrical Engineer. His pay at present is Rs. 300 rising to Rs. 500. We have put him on the same scale of pay as the Class II men at Pusa, that is to say, he will rise to Rs. 800. The

[ Mr. J. Hullah.]

cost of that change next year will be Rs. 720. I have now accounted for a sum of Rs. 18,720, and I hope the Assembly will pass the provision that we have made.

I do not propose to enter into a general discussion of the progress that we ought to be making in agriculture, as the Honourable Member who brought the motion was inclined to do ; but I will say, with reference to his remarks on cattle-breeding, and in supplement of what I said in reply to a question this morning that we wished to make provision for a dairy farm this year at Lucknow, the cost of which would have been about Rs. 1½ lakhs, but unfortunately this provision was crowded out on account of financial considerations.

**The Honourable the President:** The question is, that the reduction\* be made.

The motion was negatived.

#### AGRICULTURAL AND VETERINARY PERIODICALS AND JOURNALS.

**Mr. S. C. Shahani:** Sir, the motion that stands in my name is :

‘ That the provision of Rs. 40,000 for the publication of Agricultural and Veterinary periodicals and journals be reduced to Rs. 25,000.’

In moving this, I beg to point out, that a very small provision has been made for the purchase of Agricultural and Veterinary journals and periodicals, that is to say, only Rs. 3,000 have been provided, which appears to me to be extremely disproportionate. I feel that no research work could be adequately done without books and periodicals. I therefore propose, because I have not the power to propose an increase in any item, that the amount which is intended to be spent upon the publication of periodicals of the Agricultural and Veterinary Departments be reduced from Rs. 40,000 to Rs. 25,000. My object is, that the sum which is to be devoted to the purchase of books be increased.

**Mr. J. Hullah:** Sir, I fully appreciate the importance of a proper supply of books and periodicals, but I hope that after hearing what I have to say, the Honourable Member will be convinced that the matter of publishing the results of our own efforts is at least as important, and even more important. The increase in the provision which we have made this year for publication, is due to two causes. Firstly, the largely enhanced cost of printing and paper, and secondly, the rise in the number of our publications. The publications concerned are the *Agricultural Journal of India*, the *Scientific Memoirs* which we publish, our bulletins, the Pusa Report, our Annual Review of Operations, our Annual Report on Muktesar, the proceedings of the Board of Agriculture, and the proceedings of the Sectional Conferences on which are held from time to time on Entomology, Mycology, Agricultural Chemistry, Veterinary Science, and so forth. In addition, there are a certain number of miscellaneous publications.

Now, the two most expensive of our publications are the *Agricultural Journal of India* and our *Scientific Memoirs*. These are very well got up and we have them printed by a private firm, the illustrations of which there are a good

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\* Vide page 989 of these Debates.

many being entrusted to another private firm, and we have been informed that since 1912 the rates for printing have gone up from Rs. 5-12-0 a page for an issue of 2,000 copies to Rs. 14-2-0. In addition, out of this grant has to be supplied the cost of postage of the publications to those persons, Societies, libraries, Governments and so forth who are on the free list. I may also mention that the *Agricultural Journal of India*, which was formerly published quarterly, is now published every two months. I am myself inclined to think that the provision that we have made will be insufficient, especially as we have laid down the condition that if the Agricultural Adviser wishes to employ any additional staff in the matter of publishing these periodicals he will have to find the cost of that staff out of the grant that we have made.

Now, if we reduce this provision, two courses are open to us. Firstly, we must reduce the quality of the paper that we use and the general appearance of our best periodicals, or, secondly, we must curtail the free list and the distribution list for sale. Not many days ago, the House showed marked approval, I think, of the efforts of Government to secure greater publicity for its actions and its measures. I take it, that that approval was not confined only to political matters, but also extends to our efforts to let the public know what we are doing in what I may call our scientific and development departments; and one thing that the Publicity Branch has told us is, that if we want the public to read our effusions we must make them readable, and that we must reform not only their substance but also their appearance. They must be well got up and generally attractive to the public. I think that in the Agricultural Department we have fairly satisfied that requirement. Our *Memoirs*, of which I have a copy here, are printed on excellent glazed paper: the printing is excellent, and they are full of very good illustrations. I hope the House will not require us to introduce any deterioration in the appearance and quality of such publications as we issue.

*Secondly*, I think it is equally undesirable to cut down our distribution list, whether that is the free list of scientific libraries, institutions, universities, Local Governments, and so forth, or whether it is the list for sale to the public. We should like to see our publications on every bookstall, and we should like to see people buying them. Further, to cut down your distribution list will not effect much economy, because, as everybody knows, the cost of a publication lies mainly in the initial operation of setting it up and printing it, and any increase in the number of copies issued results in a comparatively small increase of cost. I hope the House will allow this provision to stand.

**Mr. R. A. Spence:** Sir, the Honourable Member, in replying, has not given us the assurance which was asked for, namely, that a little more money might be spent on the purchase of these books and periodicals which are so necessary. The Member who moved this reduction did not mean to attack the money spent on publishing periodicals, which are badly wanted, but he did ask for an assurance that a little more money should be spent on the books and periodicals required for the use of the Agricultural Department. That is what I think several of us in this House would like to have an assurance on.

**The Honourable Mr. W. M. Hailey:** Sir, I would like to point out that there is another small sum in the Budget Estimate for this purpose under a detailed head, amounting to Rs. 1,250, which brings the total up to Rs. 4,250. But as certain Members of the House consider this to be inadequate, we



[Mr. W. M. Hailey.]

certainly shall,—if the House will leave in our hands any reserve at all at the end of the day and will not deprive us of any provision made under that head—we certainly shall increase the provision for the purchase of books and publications.

**Mr. S. C. Shahani:** Sir, I beg to withdraw my motion.\*

The motion was, by leave of the Assembly, withdrawn.

#### PROVISION FOR GRANTS TO TEA.

**Mr. S. C. Shahani:** Sir, I also move :

‘That the provision that is made for grants to tea be omitted’,

and my reasons for moving this motion are, that in the first place, I have not been able to understand why these grants are made, and, in the second place, if these grants are intended to be in the nature of bounties, there are other industries which are more worthy of these grants, for instance, the cultivation of long staple cotton in Sind. I take it that the industry of tea is fairly well advanced. If it is, there is absolutely no reason why, in the interests of the Empire, the cultivation of cotton which is needed all the world over, cotton like the American Triumph or the Egyptian Metafiffi or Abasi, varieties which have been tried with considerable success in Sind, should not be encouraged.

**Mr. J. Hullah:** Sir, this is a long standing provision. The grant of Rs. 15,000 to the Indian Tea Association was renewed for a period of 5 years in 1916. That period comes to an end at the end of this month, and a similar grant has provisionally been put into the Budget for next year. The Government of India have not yet considered whether the grant shall be given and they will investigate what work has been done and what amounts of expenditure on scientific research in connection with the tea industry was contributed by the tea industry itself. When the grant was renewed 5 years ago, we were informed that the contribution of the industry had risen from 50 per cent. to 65½ per cent. of the whole, and I do not think that the present moment, when we all know that the tea industry is in an exceedingly bad way, is a very opportune one for negating this grant without consideration. But, as I have said, the Government of India, before renewing the grant, will investigate the manner in which it has been spent in the past and the need that exists for its renewal. They are also prepared to place the matter before the Finance Committee before passing definite orders for the renewal of the grant.

The motion was negatived.

#### SECOND IMPERIAL ECONOMIC BOTANIST.

**Mr. S. C. Shahani:** Sir, I next move :

‘That the provision for the post of Second Imperial Economic Botanist be omitted.’

**Mr. J. Hullah:** May I rise to a point of order? That provision was not included in the demand and it is, in fact non-votable. I am certainly prepared to explain, if the Honourable Member so desires, what this provision is

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\* Vide page 992 of these Debates.

required for, but since it appears that it cannot be put to the vote I think I should be wasting time which might otherwise be employed on demands that are votable.

**Mr. S. C. Shahani :** Sir, even if it is non-votable, perhaps I may be allowed to give my reasons for this motion. I may suggest improvements which may find favour with the whole House.

**The Honourable the President :** Since it is a non-votable item, the Honourable Member's motion for reduction has found its way on the paper\* by mistake. The same applies to the next motion.

#### ENTERTAINMENT OF VISITORS.

**Rao Bahadur T. Rangachariar :** Sir, I should like a piece of information. May I have an explanation as to the entry on page 152 regarding entertainment of visitors?

**Mr. J. Hullah :** That is a provision for the entertainment of visitors at the biennial meeting of the Board of Agriculture which will be held in the course of the next financial year at Pusa.

**The Honourable the President :** The question is :

'That a sum not exceeding Rs. 7,50,000 may be granted to the Governor General in Council to defray the expenses which will come in course of payment during the year ending the 31st March 1922, in respect of 'Agriculture'.'

The motion was adopted.

**Mr. J. Hullah :** I move, Sir :

'That a sum not exceeding Rs. 5,87,000 be granted to the Governor General in Council to defray the expenses which will come in course of payment during the year ending the 31st March 1922, in respect of 'Civil Veterinary Services'.'

#### VETERINARY DEPUTY SUPERINTENDENTS.

**Mr. K. G. Bagde :** Sir, I beg to move the motion standing in my name and which runs as follows :

'That the provision of Rs. 11,290 for 'Veterinary Deputy Superintendents' (at page 161) be reduced by Rs. 8,000.'

The reason for my proposal will be clear to Honourable Members of this House if they will refer to page 161. There is one post of Veterinary Deputy Superintendent and in the item in question you will find that the minimum and maximum of the pay of this post are given as Rs. 250 and Rs. 350, respectively. Now making the calculation at the higher rate, we arrive at the figure of Rs. 4,200 per annum. According to my own method I have calculated at the rate of Rs. 274 and a few annas a month and arrived at the figure Rs. 3,290. Deduct that from the provision and you get the balance of Rs. 8,000 and that balance we can conveniently save without any detrimental effect to the working of this Department. With these remarks, I request this House to accept my proposal.

**Mr. J. Hullah :** Although only one Deputy Superintendent is shown as employed next year, the amount includes provision for a Deputy Superintendent employed in the inoculation of cattle at the military dairy farms. Since the Budget was first prepared, it has been decided to transfer this work to the Army Veterinary Department and provision has been made in the military estimates. The provision under discussion is therefore too large. The one Deputy Superintendent is on pay of Rs. 300, which will rise to Rs. 310 in July and the amount required for his salary will be Rs. 3,680. The difference is Rs. 7,610 and I agree to a reduction of the provision by Rs. 7,610 if that will meet the Honourable Member.

**The Honourable the President :** The question is :

‘ That in the amendment the figures 7,610 be substituted for 8,000 ’.

The motion was adopted.

**The Honourable the President :** The question is, that the reduction be made.

The motion was adopted.

#### FRESH CHARGES.

**Mr. K. G. Bagde :** *The next proposal that stands in my name reads thus :*

‘ That the provision of Rs. 26,500 for ‘ fresh charge ’ (page 163) be reduced by Rs. 20,000.’

Sir, this is a very bad year from the financial point of view, and all the Honourable Members here are agreed on this point. So it is our duty to effect as much reduction as possible. We are faced with a staggering deficit of over 18 crores of rupees. I admit, that it must be our duty to see, that in effecting any reduction, we do not reduce the efficiency of the administration. Now, the item to which I refer will show that Rs. 26,500 are proposed to be spent on ‘ fresh charge.’ It forms one of the parts of the whole item of Rs. 35,000. In that item we also find there is a provision of Rs. 8,000 for purchase of ‘ medicines ’ and a provision of Rs. 3,500 for ‘ miscellaneous.’ Now, when there is this provision, I do not see the reason why an additional expense of Rs. 26,500 should be undertaken, when we know that the year in question is financially very bad. I, therefore, propose that this reduction should be made and I request the Assembly to support the proposal that I am making.

**Mr. J. Hullah :** I admit, Sir, that this item ‘ fresh charge ’ is rather vague and gives the Assembly no idea of the manner in which it is proposed to spend the money. If Honourable Members will look a little further up the page, they will see in black italics ‘ *One Superintendent, Civil Veterinary Department, Baluchistan*’, and that is a new provision. The fresh charge is in connection with that appointment. At present a single Superintendent is in charge of the enormous area of Sind, Baluchistan, and Rajputana, and we, therefore, propose to give Baluchistan a separate Superintendent. He will need an office, clerks, provision of contingencies, and travelling allowance, and, therefore, a lump provision has been asked for of Rs. 20,500 for these purposes. Rupees 6,000 remain over and represent another lump provision for the revision of the pay of the subordinate veterinary staff in Baluchistan. At present the staff is very small and, by reason of the lack of superintendence, not very efficient. These lump provisions will be included in those which will go before the Finance Committee.

**Mr. K. G. Bagde :** I withdraw my proposal, Sir, as the question is going to be included among the lump proposals that are to be referred to the Finance Committee.

The motion was, by leave of the Assembly, withdrawn.

**The Honourable the President :** The question is :

‘That a sum not exceeding Rs. 5,79,390 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of the ‘Civil Veterinary Services’.’

The motion was adopted.

**The Honourable Sir Thomas Holland :** I beg to move, Sir :

‘That a sum not exceeding Rs. 6,43,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of ‘Industries’.

MANAGER, ACETONE FACTORY, NASIK.

**Mr. S. C. Shahani :** Sir, I propose :

‘That the provision made for the appointment of a Manager in the Acetone Factory Nasik, be omitted.’

And my reasons are that the duties to be performed by this Manager could easily be done by the Superintendent, who draws a large salary of Rs. 1,250. If we do away with the appointment of a Manager, we shall be better able to provide for the chemists that are required to work in the factory. We find that these poor chemists draw very small monthly salaries. The clerks of the Dairy Expert in the Dairy which is to be started at Lucknow are to get as much as Rs. 150 to 250 a month. In this new Factory that is proposed to be started at Nasik, even a Superintendent will draw about Rs. 200 a month. Surely, if a Superintendent or a clerk can draw salaries, such as I have mentioned, Chemists should be deemed entitled to better salaries. Chemists, I suppose, will be the men whose work will be chiefly required in the factory and it is but reasonable that their salaries should be improved.

**Mr. Harchandrai Vishindas :** Might I, Sir, ask the Honourable Member for Industries to make one point clear. It appears that this industry is being started afresh. If that is so, why do the columns about revised estimates show certain figures—Rs. 4,75,000? Does it mean that this was budgeted for in the previous year but that the factory could not materialize and so there was no expenditure?

**Mr. R. A. Spence :** Coming from Bombay, Sir, I too should like to ask if the Honourable Member in charge of this Department could give us some information about this big factory—Acetone Factory at Nasik, which was started for war purposes—as to whether it is going to be continued solely for providing the military with the necessary acetone or whether it is going to be used for the commercial benefit of India as well.

**The Honourable Sir Thomas Holland :** I will try to deal first, Sir, with the subject of the motion and afterwards with the accessory questions which have been introduced. The Honourable Member

12 NOON.

[Sir Thomas Holland]

who moves this motion suggests that the work of the Manager might well be done by the Superintendent, and that the money so saved by deleting the Manager might be devoted to an improvement in the pay of the Chemists. He told us that the pay of the Chemists was only Rs. 125 and, therefore, less than that of the senior clerks. I am afraid, that he has not told us the whole story about the Chemists, because there are three Chemists, the lowest on Rs. 125, the next on Rs. 200 and the third on Rs. 250. If this House had the power to raise the grants as well as to cut them down, I should have had no hesitation whatever in proposing an increase in the pay of these young Chemists. They are as a matter of fact very junior Chemists who are largely in course of training, and it would not be fair to them or to the factory to utilise them instead of the officer referred to here as the Manager. The name 'Manager' has a slightly different meaning in the Acetone Factory from the meaning adopted in most ordinary factories. The Manager here is a highly specialised Bacteriologist. The whole process adopted at the factory is a purely bacteriological one. Instead of having machinery at work we have very low forms of organisms, and these organisms require a great deal of controlling, much more than either machinery or ordinary workmen. They can only be controlled by a real expert of a very highly specialised nature. The process adopted there is the transformation of the starch in any grain into acetone with butyl alcohol and certain gaseous by-products. Now, the ferment is an extremely delicate one and on the slightest misunderstanding goes in for non-co-operation. Sometimes this takes a passive form as regards the main ferment when it refuses to produce acetone at all. But there are hosts of other low forms of life that are not so intelligent and that are not under the control of the main ferment, and they, when anything goes wrong with the works, take to non-co-operation in a violent form. They give rise then to a large quantity of very useless products mostly in the gaseous form. For the sterilization that is adopted there, to give one an idea of how delicate the process is, ordinary boiling is not of the slightest use, and the sterilization has to be undertaken at a very high temperature under high steam pressure. The question arises then as to when the sterilization is really complete, and that is the business of the Manager. He is the man to examine the bacteriological products in order to be quite sure that the factory is going to turn out its best. Our specialists at Nasik have been most unusually successful. I have watched the process during the past 2 or 3 years with the very greatest care. We had endless trouble to start with, but during the last year there has been a very great deal of improvement due very largely indeed to this Manager who is referred to, and I may say also the Superintendent, who happens to be a similar specialist. The result is that now, I think, we are turning out from the broken rice which is unfit for ordinary human food a higher percentage of acetone than any results I have seen so far reported from Home. Each of these officers is a specialist in his own way. The Superintendent is a Chemist. The Manager is a Bacteriologist. The other officer is an Engineer. He is in charge of the works and looks after the machinery. Neither could conveniently replace the other, except possibly at the present time the Superintendent, who happens to be a Bacteriologist as well as the Chemist, could possibly take the place of the Manager. The Manager could at short notice take charge of the whole work. But they must all be there because the process is a continuous one. If you take the Manager away from his work to sign receipts or to attend to any of the other thousand little

matters that the Superintendent has to attend to in the matter of administration, the whole process would simply deteriorate, and we should lose large sums of money. Now the Superintendent wants leave very badly this year. So far, I have refused to accept his application, because we are considering the whole policy of the future of the factory. And that leads one to the point which has been raised by Mr. Price, and I think Mr. Vishindas also. The factory was started as a war measure at a time when we were in want of acetone in order to carry on the manufacture of cordite. The whole of our acetone has had to be imported from abroad, and during the war we felt the danger of this on account of the number of instances in which our consignments were sunk by submarines. We also felt that in a matter of this sort India ought to be self-contained. Now comes the question whether the factory shall work on full scale or whether it should work on part scale or whether it should be reduced to practically nothing. There are roughly about three lines that we might take. We might, for instance, maintain the factory at one-third scale as we are doing now, which is sufficient to meet our demands for acetone for the manufacture of cordite under peace conditions. We could then expand it almost instantaneously to 300 tons a year to meet the full requirements of our cordite factory under war conditions. On this small scale, we are working now at a distinct loss. We should probably work according to present prices at a slight profit if we turned out our full amount of 300 tons. But we would still be losing all the by-products, and it is in consequence of the by-products that we are now making very careful and serious inquiries as to the possibility of utilising the factory under peace conditions for industrial purposes, keeping it at the same time as a war insurance. The Superintendent, as I have said, has applied for leave, and I hope to arrange for his leave some time this year, not merely to give him some well-deserved rest, but in order that he may make inquiries in England as to how we can dispose of these by-products. We are making twice as much butyl alcohol as we are making acetone. The acetone we can use. The butyl alcohol we can only use in very small quantities. Indeed, in order to use these by-products—especially the main by-product butyl alcohol—we should either have to start new industries here like varnishes and paint making—varnishes especially—or dispose of it for sale to Europe. Well, that is one proposal; that is to say, that we keep the factory going in the hope that we can turn it to industrial account and at the same time look upon it as a war insurance.

Another proposal is, that we merely keep the ferment alive in the laboratory and then use the factory for ordinary spirit manufacture, reforming it afterwards in war time. This proposal would necessitate the importation of acetone for our cordite factory from abroad, and we think that if we can use the by-products, it is desirable that we should make our own acetone here. Another possible disadvantage to that proposal is, that if we merely keep the ferment alive, our plant in full scale would get out of order. Sterilization after the plant has been used for anything else is almost impossible; it would be just as well to scrap the plant altogether and get a completely new equipment. A third proposal is, that we scrap the whole plant in the hope that there will be no more war, or if there is a war, that cordite will no longer be used as a propellant, or that acetone is no longer necessary as its solvent. Well, I think, that will be running grave risks.

We are, therefore, now in a state of uncertainty as to what line we shall take. The first two proposals that I have discussed are the two that are most

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worth considering, and I think the first one especially, if we find some way by which we can use the by-products—keep the factory as a war insurance and make it also a centre of minor industries. In the circumstances for the time being at any rate, the manager is absolutely essential. He could act for the Superintendent, the Superintendent could act for him, but neither of them can do both jobs together without serious harm to the factory. So, I hope my friend will accept that explanation as sufficient.

**Mr. Harchandrai Vishindas :** My question has not been answered yet. I asked, is this factory to be started for the first time now, and if so, why should it appear in the figures of revised estimate ? That was my question.

**The Honourable Mr. W. M. Hailey :** I can give the Honourable Member information on that point. The expenditure appeared under Military Expenditure in the previous year, and not in the Civil Estimates.

**Mr. S. C. Shahani :** I understand that the Manager has to be a specialised bacteriologist, and that being so, I would withdraw my motion. It has been said by the Honourable Member that it will be difficult for him to find money, I suppose, for increasing the salary of the last Chemist, and if I am right in understanding him, I might draw the attention of the House to a lump sum provision of Rs. 53,000. If some portion of this provision is diverted to the salaries of the Chemist, I think my object which is considered reasonable by the Honourable Member will have been served, and I shall be prepared to withdraw my motion in an unqualified manner.

**The Honourable Sir Thomas Holland :** If you would allow me to suggest, Sir, if the next Member on the List, that is, Rai Sahib Lakshmi Narayan Lal, would withdraw his amendment, I would deal with this lump sum, and do it now.

The amendment of Mr. S. C. Shahani was, by leave of the Assembly, withdrawn.

**Rai Sahib Lakshmi Narayan Lal :** Sir, the amendment, which I am going to move, is :

‘ That the lump provision of Rs. 53,750 for revision (page 164) be omitted ’.

In the face of the assurances given on behalf of the Government, in respect of other similar motions, I would not have moved this amendment at all, but I do so simply to bring to the notice of the Government some suggestions as to how this money can be well spent if the Finance Committee think fit to curtail this item. The difficulty is, that in this House, the School of Swaraj, we have been allowed, at present, to deal with subtraction and division only, but not with addition and multiplication. Under the rules we cannot add any new item or increase the amount provided under any particular head ; all the same, we are justified in making suggestions to mould the future policy of the Government.

Honourable Members will find that although a sum of Rs. 1,21,000 was provided for Industrial Development in 1920-21, not a pice has been provided this year for this important purpose. Perhaps, it has been left to the Provincial Governments to solve the industrial problems of salvation of the

country. The initiation of any new important scheme should come from the Central Government for the encouragement of the local efforts. All that I have said about the motion under the head 'Agriculture' applies, with stronger reasons and greater force, to this subject also.

I am glad to find that the Government recognises drug manufacture as an important industry inasmuch as the sum of Rs. 6,000 has been provided under head 'Industry' for grant to Drug Manufacture Committee. It will not be, therefore, out of place here to mention that the resuscitation of the indigenous system of medicine undoubtedly means also the resuscitation of an important industry of this country, the store house of innumerable marvellous medicinal plants and herbs which can be locally supplied very cheaply and even without cost in a fresh condition, to the poor Indians in every part of India. The attitude of the Government of India towards the development of the indigenous system of medicine has always been sympathetic, and the Honourable Sir William Vincent was pleased to state the other day in the Council of State that the facilities for medical treatment are very inadequate at present.

**Mr. Harchandrai Vishindas :** I rise to a point of order. I do not think that the grant for drug manufacture appearing at page 165 applies to indigenous medicine, as the Honourable Member seems to think.

**The Honourable the President :** That is a matter of opinion, not a point of order.

**Mr. Harchandrai Vishindas :** May I explain, Sir ? I made that point of order because in that case these remarks would be irrelevant.

**The Honourable the President :** If the Honourable Member desires to divert the money to any other purpose, he is perfectly entitled to make the suggestion.

**Rai Sahib Lakshmi Narayan Lal :** The Honourable Sir William Vincent has been pleased to state the other day in the Council of State that the facilities for medical treatment in this country are very inadequate at present and that we should do all we can to increase them, that theoretical objections to any system of medicine should not prevail where it is proved by practical experience that many suffering people of this country have received benefit from them, and these indigenous systems are, in practice of the greatest value, particularly in cases of chronic diseases and that a high official of Government has stated that he has known as many cures effected by the practitioners of indigenous system as by allopathic doctors. Having regard to these facts, it is not too much to expect that something practical should be done for the development of this important industry which will not only enable the Government, with the joint benefits of the European and Indian systems, to carry out a successful campaign against the epidemics, but in course of time, will also be a source of substantial revenue.

In fact, many schemes can be suggested which will provide multifarious benefits. I will mention here only one or two : (1) No less an authority than the late lamented Vaidya Shastri Shanker Daji Pade of revered memory has advised in his book that if that peculiar plant 'sunflower' called 'Suryamukhi' in vernacular, the flower of which always faces the sun—be abundantly grown in India in all homestead lands and gardens, it will have a very great effect in annihilating epidemics and will, at the same time, supply



[ Rai Sahib Lakshmi Narayan Lal.]

seeds which will yield nutritious and commercial oil. (2) The excise revenue, which is at present threatened by the non-drink propaganda, can be easily safeguarded by introducing the system of granting on a large scale licenses for distillation of Ayurvedic *Sura* which can be used for preserving good health, which was the original object of all wines.

With these few words, I move this amendment and I hope Honourable Members will support it.

**The Honourable Sir Thomas Holland:** I think, Sir, it would be possible to explain this in a few words and so save the time of the Finance Committee which will try to unravel all these lump provisions. This particular lump is due to a misprint. It started from my office in the form of Rs. 2,750 for the revision of the junior establishments, but I cannot remember whether it included the chemists or not just now, and Rs. 51,000 for labour, that is to say, including the drivers in the factory, the fitters, the greasers, the carpenters and the plumbers and all the unskilled labour. Those two items appeared in the original manuscript from my office, but they have come back in the form of a lump provision of Rs. 53,750. Some one has added together Rs. 51,000 and Rs. 2,750, so that the lump provision here, that is Rs. 2,750 is a very small one, due to the fact that the rates have been revised for the subordinates and I hope that the House will not consider that that was extravagant. We started out with the attempt to provide Rs. 60,790, but Mr. Hailey was very active that day with his blue pencil and he cut us down to Rs. 51,000 for labour and Rs. 2,750 for the revision of the establishment and I should like to say, although that will come more appropriately probably in the next motion, that we have actually reduced the cost of the establishment. I should also like to say now, possibly to anticipate a certain amount of discussion, that the acetone and butyl which we got from the factory last year was estimated to be of the value of 3 lakhs and we have estimated for this year a value of 4 lakhs. As I told you, we are working on a reduced scale, *i.e.*, one-third of the total capacity of the factory.

The motion \* was negatived.

#### EXPENDITURE ON ACETONE FACTORY.

**Sardar Gulab Singh :** Honourable Sir, I submit my motion of amendment, namely :

‘ To reduce the demand No. 33 on page 164 by Rs. 1,73,000 ’.

It means that there should be no increase over the figure budgetted for the current year, which is Rs. 5,24,000. In the preceding year, 1919-20, the demand was only Rs. 22,683. The present Budget is admittedly a gloomy one, showing a deficit of 19 crores, which cannot be met otherwise than by increased taxation, which under the present circumstances does not seem advisable for several reasons which the Honourable the Finance Member himself has rightly alluded to in his exhaustive Budget speech. Besides, the country is full of unrest and discontent and we should not provide any excuse or chance which will foment them. Consequently the experiment under consideration should be put off for the present year. The expenditure and the increase seem due to the acetone factory and I do not think it is such expenditure

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\* *Vote* page 1000 of these Debates.

that it cannot be put off for one year and must necessarily be incurred in the ensuing year. If there is great demand for it, private enterprise should be encouraged to meet the same. Besides, Sir, some reduction in the expenditure of schools might be effected by way of introducing the study of the necessary subjects as special subjects, with scholarships to attract students to learn them. In case the Honourable the Industries Member assures me of his proposal already made to do away with the factory I will withdraw my amendment. For these reasons I move my amendment which will, I hope, kindly be considered and accepted by the Honourable House.

**The Honourable Sir Thomas Holland :** I am not quite certain whether the Honourable Member has moved his motion or withdrawn it. He said that as I made a suggestion that the acetone factory might be done away with altogether.

**Sardar Gulab Singh :** If you assure me about that, Sir, I will withdraw.

**The Honourable Sir Thomas Holland :** I cannot give the assurance.

**Sardar Gulab Singh :** Then I will not withdraw.

**The Honourable Sir Thomas Holland :** I have already explained very clearly that the future of the acetone factory is under consideration. I have given three suggested proposals. One of them was to abolish the factory and I think there is not the slightest doubt that we should be very unwise indeed to do so. The other two proposals, as I explained before, consist of reducing the factory to the very lowest level, that is to say, using it as a spirit factory whilst keeping the ferment alive in the laboratory. The other one was our suggested idea of using the factory for industrial development by making use of the by-products. It is quite impossible under the present condition of our investigation, and it would be unwise in the interests of the country either from the military or from the industrial point of view, to promise to close down the factory. There is one other point that ought to be considered too. The factory looks very large, constituting a very large item in this detailed bill—Rs. 6,43,000. But one has to remember that there is a receipt side to the factory as well as an expenditure side. As I said just now we estimate for the coming year, alone a credit figure from butyl valued at 4 lakhs of rupees. We turn out twice as much butyl alcohol as we do acetone and the price of butyl alcohol, I believe, is as high as that of acetone. If we had a local market for our butyl alcohol, we could make the factory a paying concern now, a source of revenue instead of a source of expenditure, and when that does occur we might hear something of what the Honourable Member suggested by way of private enterprise. Under present conditions I do not think that there is any encouragement in the factory for private enterprise by way of acetone manufacture, even if we could hand over this very special and semi-secret process. We have, as I said already, done our best to keep down the expenses. During the past year the cost of stores have gone up, coal especially. We have also made provision for steel drums to carry the acetone, a provision that was not made last year and that is why the total for last year was below our total this year. I think there is no doubt that last year our budgeting was not as generous as it ought to have been. The fact was that at that time we had very little experience, but if the Members of the House or the Finance Committee wish to have the details, I can give them exactly; we want 125 tons of rice at 160 rupees a ton every month and that will cost Rs. 2,45,000. We want 425 tons of coal every month at Rs. 17 a ton, which we have put

[ Sir Thomas Holland.]

down at Rs. 86,700, and I can bore the House with the rest of the details if you wish to have them. But what we have done in the matter of establishment, which is the important thing, is that we have cut it down. We have reduced out salary bill by Rs. 14,520 and we have reduced the pay of the ministerial and menial establishment, not by cutting down their pay, but by reducing the establishment, by Rs. 32,650. We have, therefore, saved very nearly half a lakh on salaries and wages, and that is due to the better organisation being introduced by the Superintendent and the Manager. I think that I ought to take this opportunity of saying how greatly I appreciate the work which has been done by both of these officers. The Superintendent has completely re-organized the system at the factory; he is untiring in his love of detail; he provides us with full accounts of every operation in the factory; the operations are worked out on the most approved scientific lines and every result, both scientific and financial, is put before us in very full monthly reports, so that we are able to follow his activities. I am myself perfectly satisfied that every attempt is being made to reduce the expenses until we can decide definitely as to the future of the factory. I think, that under the circumstances, I am justified in advising this House not to cut down this grant for the Acetone Factory, which, I understand, is my Honourable friend's desire, for the purpose of getting money to spend in other ways. It is desirable that we should get as much money as we can to spend in other ways, but we must not cut down the acetone industry which is in working order. If we stop that, we shall lose more money than we shall save. There are some things that we must stop and we have stopped, and the Budget this year would have been four or five times its size but for Mr. Hailey. This year, I wanted to start a large number of new things in connection with industrial development and could not, simply because we have, all of us, tried to observe one rule, that is, to start no new buildings in this year if we can possibly avoid them. I wanted a School of Mines built; I wanted a tanning Research Institute built at Calcutta, and several institutions of real importance to the country in the long run. But we have really and honestly attempted to postpone these for one year in the hope that we can find a better year in the next.

**Dr. Nand Lal:** Sir, after having heard the explanation from the Honourable the Official Member, I must say, that I am against this amendment. We want industrial development in our country and this provision, which is made in furtherance of that cause, seems to be indispensably necessary. With these few words, I oppose this amendment.

**Rao Bahadur T. Rangachariar:** Sir, if I make a few remarks, I make them, I confess, in utter ignorance of the subject as to the acetone factory. One remark made by the Honourable Industries Member tempts me to put the question, whether in this factory Indians are freely admitted and whether they will have a chance of learning the secret processes as other people have. The second question which I wish to ask is whether this industry which is being used entirely for war purposes, can also be utilised for developing in other directions. These are the two doubts which I feel and I should be glad of an explanation from the Honourable Member. In a Government factory unless this acetone goes to the War Office, I do not understand what the secrecy is about. In any event Indians must be entitled to learn the work.

**Mr. J. Chaudhuri:** With regard to the manufacture of acetone, I presume it is for the purposes of the manufacture of munitions. So I do not quite follow why it should come under the Civil Budget. It might be transferred and put under the Military Budget and, gradually, this industry might be made over to the Military Department.

Another matter with regard to which I want fuller information is the School of Mines and Geology. Some months ago I read of a proposal by the Government of India to found a School of Mines and Geology at Dhanbad. I find here a provision for appointment of a Principal on a salary of Rs. 24,000 per annum and a lump provision for other charges to the extent of Rs. 26,000. This does not give us sufficient information as to whether the School of Mines and Geology is going to be equipped quite properly. Such a school is a great want in India and especially in the mining districts of Jharia. So, I am not for any curtailment of the general expenditure under this head, but I would suggest to the Honourable Member in charge that the money should be devoted to this and other useful purposes for the promotion of industries in this country.

**The Honourable Sir Thomas Holland:** I understand, Sir, that I may be allowed to give the information that has been asked for by the Honourable Members; otherwise, presumably, the questions themselves would have been out of order.

Mr. Rangachariar wants to know if Indians will be admitted to the factory and if the process can be kept secret. At present we have three Europeans in the factory, one Superintendent, one Manager and one Engineer. I have myself a hope, and, when I say 'a hope' I do not mean a vague hope, but a sure and certain hope, that this factory can be run entirely by Indians, and in the near future. One reason for expressing the hope in that way is this, that there is not an officer there now of the three who is not anxious to be relieved for more profitable work elsewhere; and also because bacteriology is developing in India, and we hope, therefore, to be able to find specialists who will undertake this process and work it. It is not that we want very high general training so much as ordinary general training together with a special experience of this particular ferment and its peculiarities. So that we ought to be able to introduce young Indians and teach them the process which is now being adopted there.

With regard to its secrecy, the process is patented and, therefore, a great deal of the detail connected with it has already been published. But, I suppose, everybody knows that a specification of a patent is intended generally to conceal the real nature of the process described. There are little matters connected with every patent process that are not described in its specification, and in some of the cases they could not be described.

The peculiar nature of this ferment is a matter that has been worked out in our own factories. The process is really now in some points different from the process described in the original patent, because we have had to accommodate ourselves to the peculiar food that is needed for this ferment. We tried various kinds of grain and we got the best results from rice. If we could obtain the purest form of rice it would make the process much easier, but we had to consider the question of economy. We found out from experiment that we get slightly less acetone from broken rice, but the difference in the cost is so great that we have now, I think, reached the most economical equation possible. I hope that will satisfy my Honourable friend on that point.

Mr. Chaudhuri cannot understand why the Acetone Factory is not under the Military Budget. I presume from that, that he wants the factory to be non-votable; but we ourselves consider, that besides supplying a product to the Military Department in the form of acetone which we make them pay for, as otherwise they would have to buy it from Europe, we may hope to turn the factory to industrial account. If, as the result of our investigations, I find that we cannot use this factory economically for industrial purposes, and that it is merely a war instrument, then I shall hand over the pup to the Military Department.

With regard to the School of Mines, I will give the information that Mr. Chaudhuri has asked for. We hoped to commence building this year, but that project, like a good many others, was knocked on the head because the Finance Department would not allow us to undertake new works. We have, however, used the small sum of money for the acquisition of the necessary land, because the price of land has been going up so rapidly that we thought it would pay us to acquire it at the present rates. That is included in the lump provision for other charges. Then, with regard to the Principal, before we discovered that the Budget would be such that all new works would have to be stopped, we had asked the Secretary of State to engage a Principal, and on the very day when I asked with regard to the state of the Budget, in the hope that I might be able to stop at the last moment the appointment of a Principal, we received a telegram to say that he was appointed and would arrive about the middle of March. The Principal, therefore, has to be paid for, but he will not be wasted. The Principal will be utilised in the first instance to help the Geological Survey and the Mines Department and at the same time he himself will be acquiring the necessary knowledge of the country which will make him, I hope, a better Principal when actual work begins. We have put down for him a small sum, Rs. 600, for rooms we have to engage for him to carry on his office work, and we have allowed a small amount of travelling allowance—Rs. 1,400 only; and then, of the other part of the lump sum of Rs. 26,000, Rs. 14,000 is put down for the Governing Body. The Governing Body has not yet been formally appointed. We have the consent of a large number of very influential gentlemen who have agreed to serve on the Governing Body, and it is our intention that they, in conjunction with the Principal, should work out the whole curriculum and organisation of the school. But if the Governing Body is not appointed this year, Rs. 12,000 out of the Rs. 26,000 will be saved. That would have been the cost of their travelling allowance. I hope these details are sufficiently satisfactory to Mr. Chaudhuri and not boring to the other Honourable Members.

**Rai G. C. Nag Bahadur:** Sir, will the Honourable Member give us some information in regard to the position of the Drug Manufacture Committee, where it is sitting and what it is going to do?

**The Honourable Sir Thomas Holland:** May I suggest, Sir, that the ordinary rules should be observed for asking questions; otherwise, we shall never get through the Budget?

**The Honourable the President:** The question is:

‘That the demand under head ‘Industries’ (No. 33) be reduced by Rs. 1,73,000’.

The motion was negatived.

**The Honourable the President:** The question is :

‘That a sum not exceeding Rs. 6,43,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of ‘Industries’.’

The motion was adopted.

**Mr. C. A. Innes:** Sir, I beg to move :

‘That a sum not exceeding Rs. 55,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 for ‘Aviation’.’

Aviation.

#### AERODROME AT ALLAHABAD.

**Rai Sahib Lakhshmi Narayan Lal:** Sir, my motion is to the effect :

‘That the lump provision of Rs. 30,000 for an aerodrome at Allahabad (page 166) be omitted.’

I admit, that this is an important item. By moving this Resolution I simply want to bring to the notice of the Government my suggestion that they should consider the advisability of approaching the Imperial Government to take a hand in getting us out of our present financial troubles, in a very bad year, caused by the war, and to graciously provide, from Imperial funds, at least this lump provision of Rs. 30,000 for an aerodrome factory at Allahabad, as it has been kind enough to make a gift of 100 aeroplanes to India. In any case this provision is impracticable in such a year as this, and I move to omit it.

**Mr. Eardley Norton:** May I ask, Sir, if the item under discussion is purely for Civil Aviation or does it include Military Aviation?

**Mr. C. A. Innes:** Civil Aviation.

**Dr. Nand Lal :** To my mind, Sir, there seems to be no necessity for this provision. None has been shown, so far as this printed book called ‘Demands for Grants’ is concerned. Why is it required for Allahabad only? To my mind, it seems to be an additional expense for military purposes. And if it is required for Allahabad, then why not for other places? Since other places have not been referred to, and no special need or necessity has been given here, the natural deduction is that this provision has got no justification at all. Considering the condition in which we are at present—a condition which amounts to financial embarrassment—we should not spend money lavishly like this. Therefore, with these few words, I submit that this amendment, which is before the House, speaks for itself and I hope the whole Assembly will accept it.

**Mr. C. A. Innes :** I had hoped, Sir, that I should be able to place before this Assembly a really good Budget for civil aviation, instead of asking for the miserable sum of Rs. 55,000. I had hoped that the Government of India would be able to go in for a forward policy in the development of civil aviation. Every civilised country in the whole world recognises that it is essential to assist the development of a form of locomotion which in the near future may revolutionise transport. There are numerous air services converging on Paris; there are air mail services radiating throughout the United States of America; there are three air mail services between London and

[Mr. C. A. Innes.]

the Continent ; and the Air Board hoped that India would also be able to play its part in the development of this great service, and proposed, after most careful consideration throughout the whole of last year, that we should begin by laying out an air route between Rangoon and Bombay. I may mention for the information of this House that we had already a tender for an air mail service along that route, and that tender proceeded on the basis that the air mail would leave Rangoon at 6 O'clock one morning and arrive at Bombay at 9 O'clock next morning, that is to say, the service which now takes by steamer and train 4 or 5 days would take, by aerial mail, 27 hours. The Government of India have provisionally approved of this policy, but they have decided that we must wait for more propitious times before carrying the policy into effect. That is the reason why we have made no demand upon the House for anything except the bare essential minimum. I think I shall save the time of the House if I anticipate the remaining two motions which are to be moved later on, and explain in detail each of the items in this Budget. We have provided for a Chief Inspector. The reason for that is, that under the International Air Convention to which India is a party, under the Indian Air-Craft Act and under the rules which we have framed under that Act, the Government of India must make arrangements for the registry of air-craft, for certifying air-craft as air-worthy, and for licensing pilots. For these purposes we must have an air-craft Inspector ; and if we have an air-craft Inspector, we must make provision to allow him to tour over India in order to carry out his duties. We must also arrange for the periodical medical examination of pilots. This medical examination is a very specialised and difficult examination. I have here a book which shows the syllabus of the examination prescribed by the Air Ministry at Home ; and if we wish to carry out our obligations and to follow the principles laid down in the International Air Convention, we must also adopt the same medical examination in India. That medical examination requires special apparatus, and we have made provision for buying that apparatus. I am quite sure Honourable Members will not want the Government to incur the responsibility of not examining properly people who take air-craft up into the air.

Then, we have provided a sum for the storage and disposal of 100 gift aeroplanes which were presented to us by the Home Government two years ago. We have got rid of fifty machines already ; but fifty more remain and they are valuable machines ; and as long as we have them we must make provision for looking after them, seeing that they are kept properly and so on.

Finally, I come to this lump provision for an aerodrome at Allahabad. I can explain it in a very few words. As I have said, we have decided to take no action as regards the aerial mail service between Rangoon, Calcutta and Bombay for the present. But we think it necessary that we should have at least one civil aerodrome between Delhi and Calcutta. Up to the present we have had the use of the military aerodrome there ; it is a very small aerodrome, just by the Fort ; but the Royal Air Force do not require it, and it has been returned to the military grass farm to which it belongs, so that it is no longer available for civil aviation. Therefore we have taken in hand the preparation of a new aerodrome, close to Allahabad. I hope that the work will be finished and paid for before the end of the year. But we have made as a matter of precaution, provision up to Rs. 30,000 in the next year's Budget because the work

may not be finished and bills may remain outstanding at the end of this year. The Rs. 30,000 will be merely savings from this year's estimate, and I think that the House must allow the provision to stand because if bills do remain outstanding we must pay them. As I have explained, the work is nearly finished; we merely make provision for sums which may or may not come in course of payment next year. With these words, Sir, I oppose the amendment.

**Mr. Wali Mohamed Hussanally:** Sir, may I ask the Honourable Member to withdraw his motion after this explanation?

**Rai Sahib Lakshmi Narayan Lal:** Sir, I withdraw this motion.

The motion was, by leave of the Assembly, withdrawn.

**The Honourable the President:** Does Mr. Shahani wish to move his motion\* after the explanation that has been given?

**Mr. S. C. Shahani:** Sir, I have merely to say that my own object was to point out that this was a very small sum which was being devoted to civil aviation. I wanted to inquire whether it was for military purposes. My inquiry has been answered, so that I feel disposed to withdraw my motion.

The amendment\* was, by leave of the Assembly, withdrawn.

**Dr. H. S. Gour:** Sir, I have listened carefully to the statement made by the Honourable Member on behalf of the Government. The reason why I had given notice of my motion† was that I was very curious to know as to whether any schemes for the development of the science of aviation could be planned, which would enable a poor man like myself to travel all over India, with this very small help of Rs. 50,000 that the Government of India is going to invest in the equipment of its aerodromes and the air-mail services. I had hoped that in the new era which is likely to dawn upon us the Government would take up the matter in right earnest. We have been told that the Rangoon to Bombay service has been contracted or tendered for. I am very glad to hear it; but I may inform the Honourable Member who spoke on behalf of Government that I have been hearing this for the last five years, and I have no doubt from the very interesting information which has been supplied to us by the Press that aviation in India was going to provide a very speedy means of going about from place to place, that we, who have been suffering intolerable inconvenience when we have to come to Delhi, felt that perhaps in the very near future all we had to do was to press a button and we should all be in Delhi at the same time. I hope that the advance which the science of aviation has made will not be lost sight of here, and that the Government of India will be keenly alive to the necessity of adopting the advances which the European countries have made and see that this country keeps pace with those countries. With these words, I also withdraw my amendment.

**Mr. C. A. Innes:** May I just correct one mistake which was made by Dr. Gour, Sir? He said that I said that an aviation service between Rangoon and Bombay had been contracted for. I did not make that statement. I said

\* That the provision of Rs. 55,000 be omitted.

† 'That the provision of Rs. 55,000 (page 166) be omitted.'



[Mr. C. A. Innes.]

that we had a tender for a mail service, we were not able to accept it because, as I explained to the House, we have decided not to go on with the preparation of the flying route for the present in view of our financial circumstances.

Dr. Gour's amendment\* was, by leave of the Assembly, withdrawn.

**The Honourable the President :** The question is :

'That a sum not exceeding Rs. 55,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922, for 'Aviation'.'

. The motion was adopted.

**Mr. C. A. Innes :** Sir, I beg to move :

'That a sum not exceeding Rs. 2,68,000 be granted to the Governor General in Council to defray the charge which will come in course of payment Commercial Intelligence, during the year ending the 31st March 1922 for 'Commercial Intelligence'.'

**Sardar Gulab Singh :** I move, Sir :

'That the demand under head 'Commercial Intelligence' be reduced by Rs. 1,53,000.'

I presume that the Government has not constituted this department to carry on any commerce on their own part, but it is simply intended to give information to the people at large. The only information that we get is obtained in the paper called Commercial Intelligence which gives all the statistics. For this purpose I think only certain offices and officers are required at important trade centres like Calcutta, Bombay and Madras and such places, and I think for this purpose the amount already incurred under this head is sufficient, and there should be no increase in it.

**Mr. C. A. Innes :** I must confess, Sir, that I was not able to understand clearly the reasons why this reduction has been moved. There has been practically no increase in the demand for Commercial Intelligence or the Statistical Department except in regard to the two lump provisions for reorganization, and as the House knows, we have already arrived at an understanding that these provisions will not be expended until the Standing Finance Committee has had an opportunity of examining the reasons why we wish to spend the money. I think at any rate all the business men in this House will agree with me as to the utility of the work done by our Commercial Intelligence and Statistical Departments. In fact, the statistics which are supplied to us by the Department of Statistics are, I venture to think, essential not only for the Government of India and for the provincial Governments but also for the commercial community. The Commercial Intelligence Department besides being the eyes and ears of the Government of India in commercial matters exists in the interests of Indian trade. There are numerous Indian firms which have both the capital and the organization for business with firms abroad, and it is one of the functions of the Commercial Intelligence Department to bring such firms to the notice of foreign merchants with particulars of their credit and of their special lines of business. By this means Indian resources and business organizations are becoming better and better known. The influence of the department has extended considerably during the last few years. It is in close touch with the

That the provision of Rs. 55,000 be omitted.

Chambers of Commerce and trade officials abroad and they who co-operate with this Department in disseminating information of Indian trade possibilities. In India the department is becoming more widely known every year, and it is trusted by Indian firms of all classes. The number of trade inquiries handled by the department is exactly three times what it was five years ago. India's manufactures are assisted by the department which exhibits their goods in the Commercial Museum at Calcutta. The number of exhibits in this museum has increased rapidly and now amounts to over 7,000. Sample sales are also effected through the agency of the Museum. Finally, the department has organized in Calcutta in conjunction with the Department of Statistics a commercial library, which is free to the public and which is becoming increasingly popular. I do not think that I need say more, and I oppose the motion.

**Sardar Gulab Singh:** Sir, I simply wanted to know about the lump provisions of Rs. 74,000 and Rs. 58,000. I am satisfied with the explanation given by the Honourable Mr. Innes, and so I withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

**The Honourable the President:** The question is :

'That a sum not exceeding Rs. 2,68,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st March 1922 in respect of 'Commercial Intelligence'.'

The motion was adopted.

**Mr. H. Sharp:** Sir, I beg to move :

'That a sum not exceeding Rs. 24,65,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st March 1922 for the 'Census'.'

Census.

The motion was adopted.

**Mr. C. A. Innes:** Sir, I beg to move :

'That a sum not exceeding Rs. 1,53,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st March 1922 for 'Emigration'.'

Emigration

**Sardar Gulab Singh:** Sir, I beg to submit—

'That the demand under head 'Emigration' be reduced by Rs. 54,000.'

First of all, in the accounts given in the book on page 171 the figure is shown for external and internal emigration. If internal emigration means emigration from one district to another or from one province to another, then these charges may be made over to the Local Governments. Besides this, I find that the expenses already incurred under this head are sufficient, and I, therefore, submit, there should be no increase made this year under this head.

**Mr. C. A. Innes:** Sir, I understand that the Honourable Member proposes a reduction of the grant by Rs. 54,000, because the cost of these small departments has gone up this year. This emigration Budget is a Budget which comes up from the various Local Governments and it is intended to make provision for the small establishments which are maintained in the provinces partly for external emigration, that is to say, partly for Protectorates and their establishments, and partly also for the internal emigration, which consists almost entirely of emigration of labour to Assam Tea Estates. I can

[Mr. C. A. Innes.]

explain quite easily the increase which has occurred this year. It is due almost entirely to an increase of Rs. 40,000 in the provision made by the Government of Bengal for their internal emigration, and that Rs. 40,000 is the provision which it is proposed to make for a floating hospital which has been recommended at Goalundo on one of the main transit routes to Assam. The Local Governments concerned make provision for medical attendance of the labour which uses the routes, and in 1919 they held a conference at which the Governments of Bengal, Bihar and Orissa and Assam were represented. This conference made a very strong recommendation that a floating hospital should be provided at Goalundo to replace the present temporary hospitals there. The Bengal Government made this provision last year, but could not spend the grant. So they have again made the same provision in this year's Budget. This accounts for the increase over the revised estimate last year, and in these circumstances I hope the Honourable Member will withdraw his motion.

**Sardar Gulab Singh :** I withdraw my amendment, Sir.

The motion was, by leave of the Assembly, withdrawn.

**Sir P. S. Sivaswamy Aiyer :** Sir, I beg to move :

‘That the item of Rs. 42,500 against Office expenses and Miscellaneous, on page 171, be reduced by Rs. 40,000.’

*I had two reasons for giving notice of this motion. One was that the difference between the amount of office expenses for 1920-1921 and the amount entered for next year, namely, Rs. 40,000, was so large that it *prima facie* called for an explanation. That explanation has, I believe, been given by Mr. Innes in the answer he just now gave to the Honourable Sardar Gulab Singh.*

I had another reason for giving notice of this motion, and it is this. In many of the countries to which Indian labour emigrates there is very considerable dissatisfaction as to the relations between the employers and the labourers. Very often we hear complaints as regards the treatment of labour by the employers. How far those complaints are well-founded or ill-founded is a matter into which it is not now pertinent to inquire; but one remedy which seems to me to be called for and which will go a great way towards the removal of these complaints is the appointment of Indian officers with a knowledge of the languages spoken by the coolies to be stationed in various places in these countries. Take, for instance, the Federated Malay States, the Straits Settlements or the island of Ceylon. In all these places, there are complaints made every now and then as regards the condition of the labourers and as regards their treatment. If we had some Indian officer there who knew the ways and customs of the Indian coolies, who could speak to them in their own language and make a representation on their behalf to the local authorities, he would be of very great advantage to the labourers and to the Indian Government. It is for the purpose of drawing attention to the necessity for some action on these lines that I am making this suggestion. We really have to form a service something like a consular service, a sort of Indian consular service, which will be able to protect the interests of labour and

which, perhaps, may have its functions extended to the protection of Indian trade interests as well.

**Mr. C. A. Innes :** As Sir Sivaswamy Aiyer said, I have already explained this increase. It is due to provision being made for a floating hospital at Goalundo.

As regards the other point which Sir Sivaswamy Aiyer has raised, I must ask him to be patient for just three days more. On the 17th of this month, the Honourable Sir George Barnes, whose interest in this question of emigration I think, this House will recognise, proposes to introduce an Emigration Bill, and I think that when that Bill has been introduced, Sir Sivaswamy Aiyer will find that the point which he has brought to notice has been fully considered and that we have made provision for it.

**Sir P. S. Sivaswamy Aiyer :** I withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

**The Honourable the President :** The question is :

‘That a sum not exceeding Rs. 1,53,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of ‘Emigration’.

The motion was adopted.

**Mr. C. A. Innes :** Sir, I beg to move :

‘That a sum not exceeding Rs. 1,79,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922, for Joint Stock Companies, Registrars of ‘Joint Stock Companies’.

The motion was adopted.

**The Honourable Mr. W. M. Hailey :** Sir, I beg to move :

‘That a sum not exceeding Rs. 12,12,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of ‘Miscellaneous Departments’.

#### IMPERIAL LIBRARY, CALCUTTA.

**Dr. H. S. Gour :** I move, Sir :

‘That the provision of Rs. 72,000 for charges in connection with the ‘Imperial Library’ be omitted.’

You will find, Sir, at page 177 of this Blue Book, that a charge of Rs. 72,000 is made for the upkeep of the Imperial Library. Now, as I take it, this Imperial Library is a library situated in Calcutta. The old Imperial Library which was situated in the Metcalfe Hall was reconstituted under the orders of the Government of India and, if I mistake not, there was an Act of the Indian Legislature legalising and providing for its upkeep. The headquarters of the Government of India was then at Calcutta and it was natural that the Imperial Library should be at the capital of the Empire. But, as we all know, the capital of the Indian Empire is now at Delhi, but I

[Dr. H. S. Gour.]

*find that the Imperial Library still continues to exist in Calcutta and the Imperial Government continues to bear the charge of its maintenance and upkeep. I venture to submit, that when the Government of India moved to Delhi, the Imperial Library, if it was to maintain its imperial character, should also have been transferred to the city of the Central Government, and if this was not done, the Imperial Library in Calcutta should have been transferred to the Provincial Government.*

I do not see how far and for what reason the Imperial revenues are chargeable with the upkeep of what has now<sup>4</sup> become a purely local library. From the last report to hand of this Imperial Library, from the 1st April 1916 to the 31st March 1919, I find that the only connection which people outside Calcutta might conceivably have with this Imperial Library, is conveyed in this clause—books borrowed by the general public in 1909, 1910 and 1911,—958 books. Books borrowed by the general public during 1918-1919,—3,653 books. Now this does not really give us any idea as to whether these borrowers came from Bengal or from the rest of India; and as to how far people outside Calcutta and Bengal profit by the use of this library. If they do not, then I submit, it is a purely provincial charge and should not be debited to the Imperial Government. I await a statement from Government as to what connection this library has between the Government of India and the general public outside Bengal.

**Sir P. S. Sivaswamy Aiyer :** Sir, I desire some information on a point on which I feel some doubt. It is in regard to the tour charges of the Librarian of the India Office. I wish to know whether, under the recent arrangements, this charge should not be borne by the English Exchequer. It is not part of the Agency work in England which is carried on by the High Commissioner for India.

**Mr. H. Sharp :** Sir, when I first saw this motion I was much shocked. I was pained to think that my Honourable and learned friend should put forward such a motion, and that such a motion should emanate from a part of India to which I am myself deeply devoted, which has given this Assembly so eminent a Member as Dr. Gour, and which has provided eminent Members to the Legislature of India at various times, as, for instance, some of those Members who sat in the old Imperial Legislative Council whom some of us remember. But I was greatly relieved when I found that my Honourable friend's sole intention was to relieve the Government of India of expenditure on a library situated in Calcutta, I trust, with the intention of subsequently bringing before this House, at some future date, a Resolution, that it should put down a good round sum for making a good library in Delhi. I am afraid I cannot give any promises as to what will be done in Delhi, but to speak for myself, I have a strong hope that Delhi will be provided with a good library at no distant date.

The Honourable Member spoke of the old Imperial Library in Metcalfe Hall. It is a matter of detail, but the old Imperial Library was, as a matter of fact, kept in the Secretariat of the old Treasury Buildings in Calcutta and was amalgamated in 1900 with the Metcalfe Hall Library, which, I think, was properly called the Calcutta Public Library, and the library of the Agricultural Society. The Honourable Member also mentioned an Act of

the Legislature. This all took place long ago and I cannot remember very well, but if I remember aright, that Act was intended merely to meet a technical difficulty and to make the rights of possession unassailable.

I do not know what the Members who are representative of Bengal will say to Dr. Gour after this meeting with reference to his attempt to deprive the *urbs prima in Indis* of this splendid library which was put together in 1900.

**Mr. R. A. Spence:** You mentioned Bombay, Sir, just then.

**Mr. H. Sharp:** I bow to my Honourable friend's patriotic feelings and anticipated that my remarks might not pass without a protest.

It was intended in 1900 to make a library in Calcutta for that city—I am not sure how I should now describe it—which should take the place of the British Museum Library and the Bodleian. To what extent the library is used by persons actually outside Calcutta, I cannot say, but it is used; and a few years ago I had the honour to preside over a conference of Librarians from every part of India, in which we hammered out a scheme of reciprocity between the big libraries of India, amongst which this library was to take the foremost place. That scheme was placed before Local Governments and some Local Governments are taking action under it. I can say from my own experience, however, that officers in Delhi and Simla do frequently utilise books from that library when we want to get out references. The library is very extensively used in Calcutta itself and I do not envy my Honourable friend the time he will have when he meets his Bengal friends after this meeting.

I will not take up the time of this House further; but I should like to say that if Dr. Gour will look at Schedule I, Part II of the Devolution Rules, under section 45-A. of the Government of India Act, he will see that libraries are a Provincial Subject but that the Imperial Library is excluded. It is, therefore, under those rules, which have been approved by the Joint Parliamentary Commission, that we have to keep that library up, and we cannot get out of it.

There was one other little point raised by my friend, Sir P. S. Sivaswamy Aiyer, about the four charges in India of the Librarian of the India Office. Dr. Thomas, the Librarian, who is a profound Sanskrit scholar, is at present touring in India. He is going round the whole of India looking into libraries and giving help and advice wherever that is possible, and I can assure the Assembly that he is taking his duties very seriously and I have had a great deal of conversation with him on the matter. I understand that this small sum of Rs. 2,500 is put down to meet the charges of his railway travelling in India itself.

**Sir P. S. Sivaswamy Aiyer:** Is it an act of hospitality?

**Mr. H. Sharp:** Sir Sivaswamy Aiyer calls it an act of hospitality. I should call it an act of ordinary justice,—as this gentleman has been sent out by the India Office to explore our libraries, to see how interaction is possible between the India Office Library and the libraries here, also to see what we are doing, not by way of a spy but by way of helper and coadjutor. He has been definitely sent out by the India Office and I think it is the duty of the Government of India to pay for his travelling while he is here. I hope my Honourable friend is satisfied.

**The Honourable the President :** Does the Honourable Member wish to press his motion ?

**Dr. H. S. Gour :** I do, Sir.

**Mr. J. Chaudhuri :** Sir, I am very much surprised and not less pained that my learned and cultured friend, Dr. Gour, should bring such a motion before this Assembly at all. I do not say this, because I am a Bengali. In Calcutta, of course, we can claim that we are above any parochial patriotism. It is the only cosmopolitan town in India. It is the second city in the Empire, of which I am proud and everyone in India should be proud. And my friend, Dr. Gour, knows this, for, even in the profession to which he and I belong, we do not observe any distinction between members of our profession from one part of the country and another. For instance, when barristers from Calcutta go to Allahabad or the Central Provinces or Bombay, or want to join the other High Courts, there is always a great deal of difficulty and they are not admitted as a matter of course. But in Calcutta, it is different.

**The Honourable the President :** Order, order. There is nothing about barristers in this demand.

**Mr. J. Chaudhuri :** I am saying this in connection with the cosmopolitan character of our city.

When Dr. Gour himself went there, he was welcomed and made a member of the Bar. Anybody who goes there for the purpose of culture and education is welcome to us. That a man of his culture and education should bring forward a motion like this before the House, gives me a great shock. He might one day say, that the Calcutta Museum might be pulled down and its relics distributed all over the other provinces. And with regard to his proposal, that the contents of the Metcalfe Hall Library should be brought and located in Raisina, which is now a desert, I am afraid, I cannot endorse that view at all. Everyone in this House is aware that all of us are very much concerned about the expenditure that is being lavished over this new Capital. That is a question with which we may have to deal hereafter. But, if we want to locate a library which has been in existence at Calcutta, for nearly a century, in Raisina, we shall have to go into a very large capital expenditure which I say might very profitably be spent in the collection of books and bringing this library up to date. I know, as a matter of fact, it is not a law library, but it is a library which, though valuable, is not quite up to date, in other branches of learning and there is a great necessity for expenditure for bringing this library up to date. Now, as I have said, in Calcutta, we who are the children of the soil occupy only a small portion of the big city. The whole of the southern portion and the whole of the north-western portion is populated by men from all parts of the world and India too : the Central Provinces, from Bombay, from the Punjab, Madras and other parts of India. The population of Calcutta is half Bengali and half Indian. Many go there for business and men of culture go there for research and learning. They are always welcome and whenever they go there for the purpose of research, they consult this library, so this library should not be considered as a provincial library but as a national library which has been collected by the labours of many savants extending over the better part of the last century. It should be considered as one of our national assets and I think that the whole House will agree with me that the Calcutta Museum, the Metcalfe Imperial Library, the Calcutta Botanical Gardens, and even, as my friend here says, the Zoological Gardens . . . .

**Sir Jamsetjee Jeejeebhoy :** Sir, I beg to move that the question be now put.

**Mr. J. Chaudhuri :** These are national assets and Indians or Europeans from every part of the country, or, it may be, from every part of the world, are welcome and these are things that have made Calcutta the seat of culture and we do not want to keep any of these to ourselves as our provincial property. I hope educated Indians from every part of the country will show more zeal in availing themselves of the advantages of the Calcutta possessions in all these respects. With these words I oppose Dr. Gour's motion and I strongly support this item in the Budget and I am confident that every Member of the House will support me, including my friend, Dr. Gour, from whom I am very proud to say that I have had very valuable support in other important matters. I hope, Dr. Gour will withdraw his opposition and support this grant.

**Mr. Sachchidananda Sinha :** Sir, the highly emotional speech of Mr. Chaudhuri, for which I submit there was no occasion, requires a few observations from me. Mr. Chaudhuri said that Dr. Gour's motion had given him a great shock. I confess, Sir, that his own speech has given me a greater shock. The proposition is a very simple one. Nobody wants to pull down the Metcalfe Hall Imperial Library, the Calcutta Museum, the Zoological Gardens, the Botanical Gardens, or for the matter of that anything else in Calcutta. The whole question is one as to whether the Imperial Library should be debited to imperial funds or to provincial funds, and, therefore, all that amount of rhetorical discourse is certainly neither here nor there. I think Dr. Gour has made out a very good case for not providing the cost from the Imperial Exchequer. When Calcutta was the capital of India, it was very fair and appropriate to pay from the imperial funds. Now, Sir, Calcutta is the capital of Bengal, and I do not see why a library located there should be paid for from the funds of the whole of India. Therefore, to come from the emotional to the practical side of the question, I think the House should support Dr. Gour in his motion that it should be a charge on provincial revenues.

Mr. Sharp made one remark. He said the Joint Committee of the two Houses have exempted this Library from the operation of discussions here in this Council.

**Mr. H. Sharp :** I said that the Imperial Library is excluded from Part II. It is, therefore, a Central subject.

**Mr. Sachchidananda Sinha :** If that be so, I do not see the use of discussing this matter at all. If we are not, however, precluded from discussing this matter, then, I submit, that Dr. Gour's motion should certainly be adopted by the House.

**Babu K. C. Neogy :** Sir, if I intervene in this debate, it is not for the purpose of making a long speech. I desire to point out that it is not quite open to the Government now either to dismantle the Library or to remove the books here. I beg to refer, Sir, to the speech that was delivered by Lord Curzon in the Imperial Legislative Council on the 10th January 1902 when the Imperial Library (Indentures Validation) Bill was introduced. Lord



[Babu K. C. Neogy.]

Curzon made it quite clear that the library was a present from his Government to Calcutta. This is what His Excellency said :

‘ My object in carrying out the scheme, which has taken shape in this Bill, has been to present Calcutta with a public library worthy of the name.’

I very much doubt if it is at all competent for us to take away that present from Calcutta this day.

Then, Sir, the Imperial Library having been made a Central subject, all that we can do is either to maintain it there or to cut short its supplies, as suggested by Dr. Gour. That is to say, you cannot make it a provincial charge. Either you can maintain it as it is or dismantle it at any time. These are the alternatives before us. I am reminded, Sir, that another alternative is to make it a charge on Provincial funds. But I beg to remind the House that in the financial arrangements that were adjusted between the Central Government and the Provincial Governments, this item was not taken into consideration as a provincial obligation. So that, if it is placed at all on provincial shoulders, then we would have to expect sufficient grants-in-aid being made from the Central Government. Otherwise, Sir, it will be something like the white elephant which in olden days it was the practice with the Burman Kings to present people whom they wanted to punish. Sir, if it was a present to Calcutta initially, I think it is the bounden duty of the Central Government to find the recurring charges.

**Mr. Jamnadas Dwarkadas:** Sir, I had no intention of speaking on this motion of my Honourable friend, Dr. Gour, but it seems to me that my Honourable friends from Calcutta themselves seem to be doubtful about their claim to possess the library, for the reason that they have been putting words in the mouth of my friend, Dr. Gour, words which he never spoke, and they seem to put forward a justification for the library being located in Calcutta. But the main question that is before us is this. Even if the library is to be located at Calcutta, are we going to bear the expenses for its upkeep? My friend, Mr. Neogy, said that it was a present by the Government of India to Calcutta. Calcutta is welcome to the present. But Calcutta certainly cannot look forward to have its expenses paid by the whole of India because it was a present. I say, Sir, that Dr. Gour is perfectly justified in bringing in this motion, and I hope the House will support it.

**The Honourable Mr. W. M. Hailey:** May I put to the House, Sir, the practical question at issue and explain more fully the effect of the Rule referred to by Mr. Sharp? In the Devolution Rules, this library is entered as a ‘ Central Subject ’; that is to say, that the control of the library must remain with the Central Government as the House knows, our financial arrangements under the reform scheme form a corollary of the administrative arrangements. That is to say, we have endeavoured everywhere so to arrange that where the control remains with the Central Government, the financing should also remain with that Government. I need not dilate on the obvious reason for this; it constitutes a clear cut division which places financial and administrative responsibility in the same hands. Now, Sir, it is perfectly within the competence of this House to refuse to pass the grant which is before us. I am not going to argue as to the suitability or otherwise of so doing, but merely wish to point out the effect on the library. If the House refuses this grant, then the House at the same time has no power, and we as the Government of India have no power to compel the Bengal Government to meet the

expenditure, since the subject is a Central one. That is to say, for the coming year there will, unless the Bengal Council comes to the rescue, out of mere kindness, be no funds for the upkeep of the Imperial Library. That, I am sure, is a result which the House and everybody else would deplore. If it is the wish of this House to raise the question whether the Imperial Library should become a Provincial instead of an Imperial subject, I would suggest that the proper way to effect its wish is by a Resolution suggesting to the Governor General in Council that he should recommend to the Secretary of State that the Devolution Rules be altered in this particular respect. If the House shows a unanimous desire that the Devolution Rule which I have referred to should be altered makes a recommendation of that nature to the Governor General, it would then be our duty to send it to the Secretary of State in order that it might be laid before Parliament for the necessary change in the Devolution Rules. Until this is done, I think the House will agree that where the administrative control is, there also should be the responsibility for financial provision. That is to say, as long as we have control of the Imperial Library, as we have by the Rule sanctioned by Parliament, so long should we pay for it. But, in any case, Sir, we should avoid any course of action which would mean that for the coming year no funds would be available for the Library.

**Sir P. S. Sivaswamy Aiyer:** Sir, there are two questions for consideration before the House on this motion. One is, whether this is a legitimate charge upon the Central Government or not. Upon that we have the explanation given by the Honourable Mr. Sharp that according to the Statute it is made a charge upon the Central Government. The other question is, where this Library should be located. A desire has been expressed to transfer the library to the Capital of the Government, *i.e.*, Delhi. But in this connection I should like to make one observation for the consideration of the House. There is no use in locating the library in a place where it cannot be of the greatest possible use to which it can be put. One principle to be borne in mind in the location of a large library like the Imperial Library at Calcutta is where is it likely to be made the best use of? I do not think that any of us can contend that Delhi has become the intellectual capital of India. It is at best an artificial capital, a political capital, and I am afraid it will be a century before it can become the intellectual capital of India. Calcutta has been a large centre of learning—the largest centre of learning, if I may say so, and it is also a city which has perhaps the largest population in India. It is the home of learning, more so than any other Presidency town in India. Here I may tell you that Madras at any rate is entirely free from provincial jealousy in a matter of this kind. Supposing that we are to remove the contents of the Imperial Library from Calcutta, I am afraid there will be a fratricidal war between the provinces as to where exactly it should be transferred. I have already explained to you that Delhi is a very unsuitable place to which to transfer such a large and valuable library. You may ask that it should be transferred to Madras or Bombay or to Allahabad or to Lahore.

But there is sure to be internecine war between us. It is therefore best that we leave the Library in Calcutta itself, let us say, by way of right of primogeniture or on some such ground of claim. I would, therefore, appeal to the House to leave the Imperial Library alone in the city where it is, and where it can be applied to the best advantage and for the benefit of the largest number.

**Mr. J. K. N. Kabraji :** Sir, I rise to a point of order. It seems to me that the motion, *as it stands*, cannot be put before the House as the amount of Rs. 72,000 proposed to be omitted includes a non-votable item of Rs. 13,910, and, therefore, the motion, as it stands, cannot be put.

**Rai J. N. Majumdar Bahadur :** If this Library is to be located at Nagpur, I should be the last person to vote for the motion. It is a matter of great regret to me that a doctor learned in the law should be so jealous of the City of Calcutta which has given culture to the whole of Northern India. Nagpur was affiliated to the Calcutta University and all its graduates are graduates of the Calcutta University. So also the United Provinces and Bihar and Orissa. My learned friend, Mr. S. Sinha, was only till a few days ago an alumnus of the Calcutta University, and that he should prove so ungrateful within a few years of the removal of the capital from Calcutta to Delhi, very much pains me. Sir, Calcutta is not only a city of Bengalees. It is a city of Marwaris, of Punjabees, it is a city of Bombay people. I wish Mr. Dwarkadas, our friend from Bombay, would only come and see how many Bombay people, Guzeratis, Marwaris, are there—all at the cost of Bengal. I do not envy them. We welcome everybody, European and Indian, Punjabi or Madrassi or Bombay men. The fact that in this House, of all men, Dr. Gour, a doctor of learning, should propose the removal of the Library from Calcutta or a withdrawal of the grant to it, staggers me, and it only shows that though he is a doctor of learning, his heart is small.

**Dr. H. S. Gour :** Sir, may I reply? I shall very briefly now reply to the various speeches that have been delivered on this very small question. Taking up my learned friend, Mr. Majumdar, first he appealed to the House not to forget the obligation under which the rest of India lay to Calcutta. I should be the last man to do so. He calls upon the House not to be ungrateful to that City. The question is not one of gratitude, but one of convenience and bare justice. Are we entitled to divert the Imperial revenues for the upkeep of a local library as it has now become? The Honourable Mr. Chaudhuri said that this is a Library which belongs to the City of Calcutta where all sorts of communities have their abode and make a living. That again is beside the mark. As I said in answer to Mr. Majumdar, the question is not what sort of population inhabits Calcutta, but the only question is that this library which was intended to be an Imperial Library has ceased to be so by reason of the shifting of the capital from Calcutta to Delhi, and, therefore, the maintenance grant for this library can no longer be made an Imperial charge. That is the short question with which this House is confronted. Another speaker remarked that I was for the removal of the books from Calcutta to Delhi. Again, another speaker travestying my speech said that I was for the division of these books in the Imperial Library to the different centres in India. Sir, if you will read my Resolution, I have studiously avoided saying anything at all about the books. All I have said is, that this should not be an Imperial charge. Bengal is rich enough to maintain a library of that magnitude in Calcutta and I believe that my friends from Bengal would not deprive us of this small sum saved, which will be necessary for the purpose of installing a library in this Imperial city. I ask my learned friends to vote with me and not against me, because they now come to Delhi for the purpose of discharging their duties to this Assembly, and it is essential that we must have a library in the capital of India, and it is not

possible unless we economise our funds, and the only source of economy that occurs to me is to saddle the people of Bengal with the upkeep of a library which belongs to them and is situated in the capital of Bengal.

Then, Sir, it has been said by the Honourable Messrs. Sharp and Hailey, that the Imperial Library is a Central subject. It is, but the fact of its being a Central subject, does not necessarily imply, I venture to think, that this Assembly should maintain it. If it was a Central subject, the Government of India could have arranged with the Government of Bengal for its upkeep by suggesting to the Government of Bengal the allocation of funds necessary for that purpose. I, therefore, submit that the mere fact that it is a Central subject does not carry with it, by necessary implication, a charge of Rs. 72,000 which should be borne by the Imperial revenues for the upkeep of that library. My learned friends referred to the Zoological Museum and the Indian Museum and the rest of them. What we are concerned with here is one fixed charge of Rs. 72,000 for the upkeep of what is now indubitably a local library in Calcutta, and the sole question before the House is whether the rest of India should pay for the maintenance of a library for which the whole of India receives no return, and I, therefore, call upon this Assembly to vote in favour of my amendment.

I wish to say one more word in response to what has fallen from the Honourable Mr. Hailey. He says that if it is the sense of this House that there should be a change in the Devolution Rules transferring this from the Central to the provincial subject, then a communication with the Secretary of State is possible. If the Honourable Mr. Hailey will assure this House that he will communicate with the Secretary of State and make this library a provincial subject, in that case I shall be able to withdraw this amendment this year, but unless I get some assurance, a definite assurance from the Government that this charge will not continue next year, I am afraid, I must press my amendment.

The motion :

‘That the provision of Rs. 72,000 for charges in connection with the Imperial Library be omitted’

was negatived.

**The Honourable the President:** Before adjourning for Lunch, I will draw the attention of this Assembly to the fact that discussions which we shall have under Demand No. 43 relating to Simla had better be concentrated on one important amendment. As the amendments have been put down, there would be successive Members raising the same subject. I, therefore, propose that the main debate be taken on the amendment No. 23 in the name of Mr. Seshagiri Ayyar, who proposes to omit the provision for the Council Chamber at Simla of Rs. 5,64,500. That is the most substantial of all the amendments and it is on that that I propose to allow a general debate on the Simla question. The debate on the other amendments will be restricted to the exact questions they raise.

The Assembly then adjourned for Lunch till Three of the Clock.

The Assembly re-assembled after Lunch at Three of the Clock. The Deputy President was in the Chair.

**The Honourable Dr. T. B. Sapru :** Sir, with your permission I wish to move before the House a formal Resolution which speaks for itself. It is this :

‘This Assembly recommends to the Governor General in Council that Mr. A. D. Pickford be appointed to be a Member of the Committee already appointed to consider the Report of the Esher Committee in place of Lieutenant-Colonel Herbert who, by reason of sickness, is unable to perform his duties.’

We have held two sittings of the Committee but, unfortunately, Lieutenant-Colonel Herbert has not been able to attend on account of his sickness, and we have therefore come to the House itself to sanction the substitution of Mr. Pickford, who, I understand, is willing to serve on the Committee, for Lieutenant-Colonel Herbert.

The Resolution was accepted.

#### ASSISTANT METALLURGICAL INSPECTORS.

**Mr. Piyari Lal Misra :** Sir, I beg to move :

‘That the provision of Rs. 21,000 at page 181 be reduced by Rs. 12,000.’

If we turn to page 181, Miscellaneous Department, we notice that this Department is a new one altogether and the staff is also a new one. Item No. 2 contains two Assistant Metallurgical Inspectors. From this item I wish to take away one Inspector, because this is, after all, a new Department, and we should like to see how it works. There is no necessity to have two Assistant Inspectors and my demand is that Rs. 12,000 be deducted therefrom.

**Mr. Wali Mohamed Hussanally :** May I ask to what demand this relates ?

**The Deputy President :** Demand No. 39. It is not printed there.

**The Honourable Sir Thomas Holland :** I am sorry, Sir, that I was not here in time to hear the details of the motion that was made, but I take it for granted that it is in accordance with the notice that was given that one Assistant Metallurgical Inspector should be reduced leaving a junior officer of the value of Rs. 825 a month.

Well, I should like to explain to the House that one Metallurgical Inspecting Staff is still below what is absolutely necessary for safety. The Inspectors are now faced with an increase in work due to an increase in the total output, especially of the Tata Iron and Steel Works which are being enlarged very greatly indeed; they are putting up new blast furnaces and with blast furnaces new steel works. The work therefore is increased by the total quantity of material that requires inspection. The work is increased further more by the increased variety of materials to be inspected. This month we shall have to inspect steel plates as well as steel bars and angles, and the work has also increased by the fact that now the works are spread over a very much greater area, so that the ground to be covered by the Inspectors in their visits to the works is very much greater than before. We are unable at present to obtain Indian Inspectors for this work, because we have no provision in the country for metallurgical training. We train chemists and various other scientific workers, but we have no metallurgical institution so far. That is

one of the proposals made by the Industrial Commission and a proposal which we hope to take up as soon as the financial situation will permit us to do so.

Now, these officers who inspect the steel are responsible for the strength of structural steel as well as the reliability of steel rails used on our railways. It would obviously be very dangerous indeed to allow any inspection of this kind to be reduced intensively, for the Inspectors have to inspect by samples. It is impossible for them to inspect every rail or every beam, but they must take a certain number of rails or beams out of each lot. If they reduce the number of beams or rails actually inspected the risk is consequently and proportionately increased. In addition to the work of actual inspection according to the British standard specifications the Inspectors ought now to be undertaking research work in order to modify the specifications to suit Indian conditions. So far it has been utterly impossible for them to spare time to undertake any form of research work of this sort. We are accordingly carrying on blindly with the British standard classifications. That may be or may not be an economy. It is almost certain though that it will be desirable to modify the specifications to suit Indian conditions and for this purpose the inspecting officers ought to be qualified by their training and ought to be allowed a sufficiency of time to undertake work of this nature. We have already arranged for a slight extension of the buildings so as to introduce some more plant, the plant necessary to do their testing work. At present we have no testing machine that will deal with steel of heavy standards and the result is that our Inspectors have been up till now dependent on the hospitality of the Tata Iron and Steel Company.

We think that with the extension of the works and the demands made on the apparatus used by the Company itself we ought to be independent and we propose, therefore, to provide Rs. 35,000 of which Rs. 30,000 will be due to the extension of the office and laboratory buildings, and Rs. 5,000 for freight and erection charges of certain machinery now expected out from home. I have inspected these offices frequently and I have not the slightest doubt myself that the Inspectors are now overworked and are just reaching the stage when they are forced to reduce the number of inspections made. Consequently, they are reaching the danger line. I ought also to explain that in addition to the work of the Government Departments and railways, they undertake the inspection of structural steel for private firms that buy from the Tata Iron and Steel Company. For this work a scale of fees is charged and credited to Government. A portion of the fees, limited to Rs. 500 a month in the case of the senior officers, is credited to the officers who do the work; but the Government gets the main share of the income and last year our income from fees alone was just about two lakhs. So you see, the Metallurgical Inspector is a paying enterprise even from the point of view of pure cash, apart altogether from the fact that he is an essential insurance against the possibility of our having failures in structural steel and railways. I hope, therefore, the House will understand that it is impossible at present to reduce the staff. On the other hand, it may be necessary in the very near future to ask permission to increase it.

**Mr. Pyari Lal Misra :** Sir, in view of the remarks made by the Honourable Sir Thomas Holland, I wish to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

**The Deputy President:** The question is :

‘That a sum not exceeding Rs. 12,12,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of ‘Miscellaneous Departments.’

The motion was adopted.

**The Honourable Mr. W. M. Hailey:** I beg to move, Sir :

‘That a sum not exceeding Rs. 31,30,000 be granted to the Governor General Council to defray the charges which will come in course of payment during the year ending the 31st of March 1922 in respect of ‘Currency.’

The motion was adopted.

**The Honourable Mr. W. M. Hailey:** I beg to move, Sir :

‘That a sum not exceeding Rs. 21,45,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of the ‘Mint.’

(The Honourable the President here resumed the Chair.)

**Mr. E. L. Price:** Sir, I want to ask what is the position of the Bombay Mint. I understand that under a provision made after Government, as an emergency measure, had coined some gold mohurs—now no longer in circulation—the Bombay Mint was made a branch of the Royal Mint for the purpose of coining sovereigns. I want to know if the Bombay Mint is still open to the coining of sovereigns from gold produced in India and gold imported into India, or, if not, why not?

**The Honourable Mr. W. M. Hailey:** Sir, I may explain the exact state of the case. We agreed in the Legislative Council this time last year to re-open that section of the Bombay Mint which was devoted to the coining of sovereigns. We have been in correspondence with the Royal Mint, and they are prepared to take charge again of that section of the Mint which coins sovereigns and to send out the necessary establishment to supervise the work. We have, as the Honourable Member no doubt knows, a large stock of sovereigns at present; but we are making arrangements to re-open the mint, as I have said, as soon as it is required to coin fresh sovereigns here.

**The Honourable the President:** The question is :

‘That a sum not exceeding Rs. 21,45,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of the ‘Mint’.

The motion was adopted.

**The Honourable Mr. W. M. Hailey:** I beg to move, Sir :

‘That a sum not exceeding Rs. 3,28,54,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of ‘Exchange.’

**Mr. E. L. Price:** Sir, before we pass this vote, I think we ought to have some information as to what would be the effect on the Budget if exchange failed to rise above the present basis of 1s. 3d.

**The Honourable Mr. W. M. Hailey:** Sir, I think on a question of this nature, it would have been more suitable if the Honourable Member had given formal notice; if necessary, we could have had a general discussion on the subject. I do not understand, however, that he desires to reduce this demand for grant in

any way, but merely means to ask for information. If our exchange transactions are not effected at an average of 1s. 8d. there will be extra expenditure over that provided in this demand. That is the only answer I can give the Honourable Member at present. In the course of my Budget speech I said that we were not making real forecast, but for accounts purposes we were putting the figure at 1s. 8d. The effect of putting it at 1s. 8d. is shown in the present demand for grant; and if in the course of the year we do not realise that 1s. 8d., there will be an excess.

**Mr. E. L. Price :** An excess, Sir? I did not quite catch the last words of the Honourable Member.

**The Honourable Mr. W. M. Hailey :** An excess over the sum now provided.

**Mr. E. L. Price :** Of what sort?

**The Honourable Mr. W. M. Hailey :** The amount of the excess will depend entirely on the rate realised.

**The Honourable the President :** The question is :

‘That a sum not exceeding Rs. 3,28,51,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of ‘Exchange’.

The motion was adopted.

**Sir Sydney Crookshank :** I beg to move, Sir :

‘That a sum not exceeding Rs. 1,19,50,000 be granted to the Governor-General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 for ‘Civil Works’.

#### PROVISION OF RS. 3,00,000 FOR THE VICEREGAL ESTATE.

**Dr. H. S. Gour :** Sir, the amendment that I have the honour to move, runs thus :

‘That the provision of Rs. 3,00,000 for the Viceregal Estate be omitted.’

This item appears at page 201, of the Demand Book.

You will find, Sir, at page 201, a sum of Rs. 3,98,000 is demanded for the maintenance and repairs to the existing Viceregal Lodge. Members of this Assembly have been promised a full dress debate on the question, if I understood the Honourable Sir William Vincent aright, firstly on the question of the annual exodus to Simla and the desirability of the Assembly holding its sessions there, and secondly on the desirability of holding its sessions in Delhi or elsewhere. Connected with that question is the other question about the expenditure which is being incurred from year to year upon the establishment of the Imperial capital in this city. I understand that ever since the decision of the Government of India to move from Calcutta to Delhi a sum of 5 crores of rupees or thereabouts has been expended upon the construction of the new capital, and if I understand aright, a sum of Rs. 8 or 10 crores still remains unspent on the construction of this capital. Now, I venture to submit that if the capital is to be transferred from this end of the town to the other end, namely, the Raisina town, I fail to understand why large sums of money should be annually required and spent for the amelioration of the present Viceregal Lodge. If the intention of the Government of India is to make this place a permanent home of the Government of India, I can understand



[Dr. H. S. Gour.]

it but if *pari passu* with the expenditure upon New Delhi a large sum of money, is being spent here—and presently a vote of this House will be required for one crore of rupees for the construction of the new capital at the other end of the town,—I do not feel justified in casting my vote for incurring so large an expenditure. It may be, Sir, that after this Assembly has been given a chance to discuss the question first of the exodus of the Government of India and of this Assembly to Simla, and secondly about holding the sessions in Delhi, it may come to the conclusion that it approves neither of Simla nor of Delhi and it may be that this Assembly decides that a new site must be found for the establishment of the capital in this country. In that case all the money that we will vote in this year of stringency will have been lost. I therefore submit that the first thing that we have to decide is whether we should go annually to Simla, or rather the Government of India should go annually to Simla, and whether this Assembly should hold its sessions there; and secondly if it does go to Simla whether we are satisfied with Delhi, and thirdly, even if they are satisfied with Delhi, whether we should build at this end of Delhi or at the other end. Unless we are prepared to decide upon these questions, it is impossible, I submit, for this Assembly, to vote continuously from year to year large sums of money for the maintenance and upkeep of the Viceregal Lodge here. I therefore submit that before the whole question is decided, we should not vote this large sum of money for the purpose for which it is required.

**Sir Sydney Crookshank:** Sir, under the ruling of the Chair, we were asked to confine our attention specifically to the particular motions which were submitted. In this case the motion is the reduction of a provision of Rs. 3,00,000 for the Viceregal Estate; I am, therefore, debarred from speaking on the general principle of the location of the Government of India. But I would point out to my able and out-spoken friend, Dr. Gour, that this provision of Rs. 3,98,000 under Viceregal Estates is not for Viceregal Lodge at Delhi alone. It includes Viceregal Lodge at Simla, the Viceregal Estates at Mashobra, Viceregal Lodge in Delhi, certain estates at Dehra Dun and the Imperial estate of Belvedere in Calcutta. The amount herein referred to, Rs. 3,00,000, is, as can be seen by a glance at page 201, very nearly the whole amount of the Budget provision. Now, that Budget provision is this year by no means excessive.

Following on the general principle of reducing our expenditure to the utmost possible, as we were enjoined to do by the Finance Department, the expenditure in this year compares very favourably indeed with that of previous years, and for the information of the House I will just give you an idea what this expenditure has been since the year 1913-14 when the Government of India came to Delhi:

	Rs.
In 1913-14 it amounted to . . . . .	3,96,136
In 1914-15 " " " . . . . .	3,73,614
In 1915-16 " " " . . . . .	3,04,202
In 1916-17 " " " . . . . .	3,03,112
In 1917-18 " " " . . . . .	3,53,078
In 1918-19 on account of special expenditure in Delhi, it amounted to . . . . .	4,95,026
In 1919-20, owing to works done at Belvedere and elsewhere, the expenditure was . . . . .	5,25,519
	and
In 1920-21, it amounted to . . . . .	4,20,000

It will therefore be seen that the demands made for the ensuing year are distinctly moderate and I think that in the circumstances, since we are asked to record the opinion of the House on this substantial question, it will be agreed that the expenditure may be passed.

**The Honourable the President:** The question is, that that reduction \* be made.

The motion was negatived.

#### MOTOR BUS SERVICE.

**Dr. H. S. Gour:** Sir, the next motion I beg to move is to the following effect :

‘That the provision of Rs. 2,55,000 for Motor Bus Service for the conveyance of Government of India Establishment be omitted.’

My reasons for this motion are these : In the first place, I submit, there is no reason whatever why the Government of India establishment should stay 6 or 7 miles away from the place of its business.

In the second place, I submit, that if sites cannot be found for the Government of India establishment at this end of the city, then the Government should have constructed, first the Secretariat building on the other side and then should have moved the clerks from Calcutta to here.

My third reason is, that it would be cheaper if there was a train or tram service between Raisina and the Secretariat. It will certainly not cost as much as Rs. 2,55,000. I venture to submit, therefore, that the sum of Rs. 2,55,000 for the clerks and the subordinate establishment of the Government of India is excessive. I would ask the Honourable Member who speaks on behalf of Government to disclose to this House the number of people who are carried daily to and from Raisina, and we shall then be in a position to know what the charge is per head per day, and I submit that the large sum of Rs. 2,55,000 should be disallowed.

**Sir Sydney Crookshank:** Sir, we are not concerned, in this specific motion, with the policy of the move of the Government of India to Delhi. But in connection therewith, I would like to assure the Honourable Member that as regards constructing the Secretariat first, the proposition is, so to speak, an impracticable one, and that the position at present is, that with 1 crore of rupees annual expenditure on the New Capital, it will take not less than 7 years to complete the new Secretariat buildings at Raisina.

I would like to explain to the Honourable Member who put forward this motion, that he seems to be rather out in his figures. If he refers to page 202 he will find against Motor Bus Service a sum of Rs. 80,000, and under that item he will find a lump sum provision for *pro rata* charge of the establishment in Delhi of Rs. 1,75,000 making a total of Rs. 2,55,000. This is the amount he refers to in his motion. I may perhaps explain that the second item of Rs. 1,75,000 has nothing whatever to do with the bus service. It is the share of the Engineering establishment of the Delhi Province which is charged to that particular head—Civil Works. That is to say we are only concerned here with a sum total of Rs. 80,000, and I may mention that this amount is to cover the cost of bringing in and taking back from Raisina daily, some

[Sir Sydney Crookshank.]

711 clerks at the rate of 12 annas per head per day. This is the contract which we have drawn up with the new Delhi Motor Bus Service and I can assure this House, that this contract is an extremely favourable one. The Company have recently represented to us that their actual cost is Rs. 1-1-0 per clerk per diem and it will be for consideration whether the rate of 12 annas per day should not be raised to that amount, or, at any rate, to something near it.

When the Honourable Member referred to a cheaper form of transportation in the shape of tramways in and out from Raisina, I should like to point out to him, although I have not gone into the figures, that the initial cost of laying down the heavy tram track, of purchasing trams and erecting poles and wiring and providing all the paraphernalia in connection with this form of transportation would have been a very heavy charge indeed and moreover we are very limited in our supply of electric power out at Raisina.

Well, therefore, as a practical engineering proposition, the course that was taken, namely, to make out a contract with the Motor Bus Service, was the most economical in the circumstances. I understand, that although there were considerable complaints about the service last year, it has been working very satisfactorily this year and also that a large number of residents out at Raisina, that is to say, the families, servants, the senior officers and the public, all use this bus service which is of the greatest utility. Incidentally, it would not have been possible to provide quarters either for the officers or for the clerks or for the menials in Delhi itself. There are not enough bungalows and Government quarters and in the case of the private bungalows, such as there are, the leases of which are now falling in the landlords are demanding impossible rates for their renewal. In the circumstances, I think the House will see that inasmuch as the clerks have got to come in and out somehow and it would not be at all desirable or suitable to give them travelling allowances in lieu of the bus service because there would then be severe difficulties with the *tonga* and *ticca gharrie* services and so run up the prices, this is the best arrangement that could have been made in the interests of the clerks themselves and I would ask the House to pass the amount which has been allowed, namely, Rs. 80,000.

**Mir Asad Ali Khan Bahadur:** May I ask ' what is the income derived by these buses because these buses are not supplied free to them. The passengers are charged for at 12 annas or 8 annas per head. I should like to know the income derived from these buses.

**Sir Sydney Crookshank:** I think I explained that the rate per clerk is 12 annas for each day's journey in and out and the bus company, far from deriving an income out of it, are said to be running it at a loss. The clerks who utilise these buses are those who are in receipt of Rs. 500 per mensem or less.

**Rao Bahadur T. Rangachariar:** Will the Honourable Member permit me to ask a question? I did not quite catch him. This lump sum of Rs. 1,75,000—I could not quite catch what the Honourable Member's explanation was.

**Sir Sydney Crookshank:** The statement I made there, Sir, was that there is only one engineering establishment in the Delhi province under Mr. Keeling, Chief Engineer, and that this establishment carries out all works,

whether they are for the new capital which is under Head 51 or for provincial civil works which is under Head 45. It also carries out work in Dehra Dun and in the notified area and further undertakes the Military Works work out at New Cantonments. That explains the debit transfer of Rs. 1,75,000 from the capital Head 51 to this provincial Head 45.

**Khan Bahadur Zahir-ud-Din Ahmed:** Sir, I am not at one with my friend, the Honourable Member from the Central Provinces, in this motion. He and some other Honourable friends of mine withdrew their motions for the curtailment of expenses under the Head 'Flying.' If those could be withdrawn, this should be withdrawn as well.

I question whether flying in the air or movements on the earth are the more natural to mankind. One supporting an unnatural thing should not hesitate to support the natural one. I watched all my Honourable friends who supported flying minutely and I found no parts of their bodies were suited to flying. Still they ask for flying. I am for the Motor Bus Service and not for aeroplane flying, on the ground that I do not like to fly, my father did not fly, nor my grandfather. Hence why should I want to fly? I ask those friends of mine who voted for grants for flying to vote for the motor bus at once and reject the amendment. One could with justice have been refused but not this one. In my opinion, if the motor bus service is refused, the Government will ask for an aeroplane service which I am afraid will be more costly. Hence without any further debate I ask my Honourable friends, M. L. A.'s from different parts of the country, to vote for the motor bus without delay.

**Dr. H. S. Gour:** Sir, as regards the explanation made by the Honourable Member, it is perfectly true that the Motor Bus Service is shown in the demand to cost Rs. 80,000 and the rest of it is shown as 'Establishment at Delhi'. It has now been explained that this amount includes the entire engineering establishment at Delhi, including the establishment intended for the New Capital in Raisina.

**Sir Sydney Crookshank:** Sir, I rise to a point of order, or rather to a point of personal explanation. I did not state that this Rs. 1,75,000 was the whole cost of the whole of the Engineering establishment at Delhi. What I wished to convey to the House was that it was the *pro rata* proportion of the establishment charges debitable to civil works.

**Dr. H. S. Gour:** If you turn, Sir, to page 361 of the book, you will find 'Engineering Establishment—one Chief Engineer . . . . .

**The Honourable the President:** Order, order. The Honourable Member must move his amendment in a different form if he wishes to have the freedom to discuss the Engineering establishment. He has been told that by an error on his part he has included the Engineering establishment to which he had no intention of referring. I ask him to confine himself strictly to the terms of his own motion.

**Dr. H. S. Gour:** Now, Sir, as regards this Rs. 80,000, Sir Sydney Crookshank has pointed out that the completion of the New Delhi in Raisina will take about seven years, and the annual cost of the Motor Bus Service for 700 and odd clerks is Rs. 80,000 a year. Now, if you multiply Rs. 80,000 by 7, I think you will arrive at the neighbourhood of Rs. 6 lakhs. Now, I do

[Dr. H. S. Gour.]

ask whether it would not be cheaper for the Government to construct a temporary Secretariat in Raisina, including a hall for the accommodation of the Honourable Members of this Assembly and the Members of the Council of State. This would certainly cost much less than Rs. 5½ lakhs and place not only the clerks but also the Honourable Members of this Assembly under very great obligation. The clerks as well as ourselves suffer intolerable inconvenience in living at one end of the town and coming here six miles away for the purpose of business. I submit that it would be economical in the end if a temporary Secretariat were constructed somewhere in the proximity of the hostel there or the clerks' buildings, and the work of the Secretariat and the Legislative Assembly conducted there till the completion of the permanent buildings.

I, therefore, submit that this motion ought to be carried.

The motion\* was negatived.

#### LONGWOOD HOTEL, SIMLA.

**Dr. H. S. Gour :** The next amendment I beg to move, Sir, runs as follows :

'That the provision of Rs. 74,000 for the extension of Longwood Hotel, Simla, be omitted.'

This is another point upon which I should like to elicit the opinion of Government. From the information which I have been able to collect, I find that the Longwood Hotel is intended for the accommodation of Members of this Honourable House while the Legislative Assembly is in session in Simla, that it has been acquired for that purpose, and that it is being adapted for the purpose of accommodating Members of this Assembly. So far as my information goes, this Hotel is two or three miles away from the place where the Council Chamber is under construction. I submit, if this is the case, then the Government is perpetuating the same mistake which they have committed here of locating the Members a long distance away from their ordinary place of business. Here we can afford the service of a motor car, but in Simla we cannot. We are told that we might be able to get to our place of business on horses. I do not suppose that every one of us can afford or ride a horse. The result would be, that it involves walking three or four miles every morning and evening to our place of business. I beg to submit, that the expenditure of Rs. 74,000 for the extension of Longwood Hotel shall be deferred till this Assembly has had time to decide whether it is willing to move to Simla for the autumn session. Therefore, I submit, that we must, first of all, address ourselves to the question. Is this Assembly of opinion that its legislative business should be transacted at any part of the year on the cloudy heights of Simla, and if it is of opinion that it should not be so transacted, I submit, that this motion for reduction should be carried. I therefore submit, that this question again is interlinked with the main question whether this Assembly does or does not wish to go to Simla, and I would ask the Honourable Members to indicate their opinion as to whether they are prepared to go to Simla for the Simla session. If they are not, they will support me in this amendment.

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\* That the provision of Rs. 2,55,000 for Motor Bus Service for the conveyance of Government of India establishment be omitted.

**Sir Sydney Crookshank :** I understood from the ruling of the Chair that the principle as to whether the Government of India would go to Simla during the course of the next seven years while the new Secretariat is under construction, or would carry on in our present Chamber and surroundings, is a matter which will be discussed on the motion which is down in the agenda under No. 22.

As regards the specific motion put forward by my esteemed friend, Dr. Gour, I will just explain to him what the actual circumstances are in this case. We acquired late last summer the Longwood Hotel which stands on the Elysium at a distance of  $1\frac{1}{2}$  or 2 miles at the utmost from Gorton Castle, that is to say, the locality of the new Council Chamber, at a cost of 5 lakhs of rupees, and I maintain, that we made a very good bargain of it. The alternative was to have bought the Grand Hotel at a cost of 20 lakhs. That was considered rather too ambitious. We are at the present moment providing additional accommodation at the Longwood Hotel at a cost of Rs. 1,74,000 and we are also building some quarters below the Cart Road for those who live in the orthodox style at a cost of Rs. 87,914. Against the acquisition of the Longwood Hotel there has been paid Rs. 5 lakhs. Against the other two items we have liabilities to the extent of about Rs. 1,32,000. The accommodation which will be provided eventually under the measures in contemplation for the provision of orthodox style quarters will be roughly 60 quarters for the Members of this Assembly and of the senators of the Council of State, if I may give the Members of the other House that nomenclature, and about 40 quarters for those living in the European style, total about 100. That of course is not anything like enough for the total number of Members of the two Houses, but inasmuch as there are a certain number of officials and certain others who prefer to go to hotels or make private arrangements, it is thought that a provision of 100 quarters would suffice. If this item of Rs. 74,000 is disallowed, not only shall we have to stop the work on the orthodox and some of the unorthodox quarters, but also incur heavy liabilities, and I may, for the information of the House, explain here that the difficulties of carrying out work in Simla are extremely great. Labour is very short. Materials have to be brought up from a distance and now that all these arrangements have been made and the work is progressing, I hope satisfactorily, it would be a thousand pities, I speak from my own personal point of view, to shut down work on the provision of these quarters. I, therefore, leave it to the House to judge the matter from the business point of view. Incidentally, I may add that the value of house property in Simla is rising by leaps and bounds every year and that these quarters will, if not required for use by the Members of these two Houses, really be a very valuable property which can be disposed of to advantage. It will thus be seen, that if we cut down this Rs. 74,000 not only do we throw a certain amount of difficulty but probably considerable inconvenience on the Members of the two Houses who have not got the means of making their own arrangements in Simla, and I may mention that in Simla it is often very difficult indeed to get accommodation in the hotels or elsewhere, and I think the House will agree that as a purely business proposition our measures in this respect are on sound lines. I would, therefore, prefer to leave to the House the question of rejecting this amendment.

**Mr. Wali Mohamed Hussainally :** I have one or two remarks to offer in connection with this question. I really think that the question of the exodus to Simla is a very important question which ought to be

[Mr. Wali Mohamed Hussainally.]

decided before this question is taken up and I therefore beg for a ruling from the Chair whether it would not be in order to defer the consideration of this question until that question is finally decided and my reason for asking for it is that if we now budget for this provision, we are practically committing ourselves to the course of going over to Simla for the next session, which I think ought not to be done.

I think several Members will find it difficult now to vote one way or the other until that question is thrashed out and decided. Therefore, I agree with my friend, Dr. Gour, in asking that this should be deferred until that larger question is decided.

The next fact that I would point out is, that the accommodation that is being provided for Members of the Assembly is, if anything, too small, because, if I understood the Honourable Member for the Public Work Department aright, the accommodation that is going to be provided there will be only for about 100 Members, whereas the total number of this Assembly is very much larger than that, so that there will be very keen competition for the accommodation there. If we decide the question of the exodus, against moving to Simla, even then, according to what we have just now heard, there will be no difficulty at all, because the hotel can easily be disposed of or utilised in another way at a considerable profit. That is for the Government to say, but we just now heard that it was a very good bargain, and, if this provision is not made, still a good price will be got for that property. All the same, Sir, I think that the question of the exodus is a very important one, which ought to be discussed before this provision is made.

**The Honourable Mr. W. M. Hailey :** If you could allow this, Sir, and if you would allow it to be done, it would be suitable from the point of view of Government if the question arising out of motions Nos. 22 and 23 were decided before this question was proceeded with.

**The Honourable the President :** The motion to postpone consideration of the motion for reduction standing in the name of Dr. Gour is in order. Do I understand the Honourable gentleman has moved that motion ?

**Mr. Wali Mohammed Hussainally :** Yes, I would like to move the proposition that the consideration of this question might be put off.

**Dr. H. S. Gour :** If my consent is required, I freely accord it, that these Resolutions standing in my name might be deferred until the larger question about the exodus to Simla has been decided.

**The Honourable the President :** The original question was :

‘That the provision of Rs. 74,000 for the extension of Longwood Hotel, Simla, be omitted.’

Since which it has been moved to postpone the consideration of this amendment as well as the following amendment No. 21\* until the amendment No. 22† has been considered and disposed of.

The motion to postpone consideration of this amendment was adopted.

\*No. 21—‘That the sum of Rs. 1,12,000 provided for the quarters of the non-official Members of the Council (page 51) be omitted.’

†No. 22—‘That the provision of the sum of Rs. 5,61,000 for building a Council Chamber for the Legislative Assembly in Simla (page 51) be omitted.’

## COUNCIL CHAMBER IN SIMLA.

**Mr. T. V. Seshagiri Ayyar:** Sir, the unpretentious Resolution which I have given notice is apparently attracting keen attention on the part of my friends in this House. Sir, there can be no doubt that outside this Assembly the voice of the people is almost unanimous against legislation in Simla. (Cries of 'Louder, Louder') I said that outside this House the opinion is practically unanimous that there should be no legislation from the heights of Simla (Cries of 'No, No.') I am aware that a section of this House is against it (Cries of 'We are all against it.') I am glad to hear that. I know that there is a certain section of this House which apparently is of opinion that we must legislate only from Simla. I did not say that this House is of opinion unanimously; I particularly took care to say that outside this House opinion is unanimous that there should be no legislation from Simla (Cries of 'No, No.') That is what I began with and I adhere to that. Now, Sir, it will be seen how far this House reflects that opinion when we come to take votes upon this question. If you vote, that we should go to Simla and legislate, it may be that you will be able to influence public opinion later on, but I must warn you that you will be running counter to the strong stream of opinion which is flooding the country on this subject.

**The Honourable the President:** The Honourable Member had better put himself in order by moving the amendment which stands against his name.

**Mr. T. V. Seshagiri Ayyar:** Sir, I was overwhelmed by the number of interruptions that were made at starting and forgot to move my resolution. The motion which stands in my name runs thus:

'That the provision of the sum of Rs. 5,64,500 for building a Council Chamber for the Legislative Assembly in Simla be omitted.'

That is my motion. On the present occasion I mean to confine myself entirely to the undesirability of legislating from the heights of Simla. I am not going into the larger issue as to whether the exodus of the Executive Government to Simla should be encouraged or not. I want this House to concentrate its attention upon one particular point, and that is whether it is in the interests of the country, whether it is in the interests of this House, that we should legislate for the country from Simla. That is the point which I wish to submit to the consideration of the House.

Sir, this question of the exodus to the hills is a very hardy annual. You will find, Sir, you are new to this country but you might have heard that in almost every provincial Council this question has been debated from time to time; at every session of every provincial Assembly this question of the exodus has been raised, and although the Government has been against it from time to time, I think the Government will admit, that they have not been able to kill this particular annual altogether; something has been sprouting up always and has been giving the Government trouble on this question. Now, Sir, the persistent agitation which has gone on in this country, though it has been denied by a section of this House, has borne excellent fruit. I refer to my own province of Madras. In Madras while I was in the Legislative Council 8 years ago, I took some part in an agitation against legislating from the clouds of Ootacamund. None the less for a long time there was no response from the Government; but the voice of the people of Madras was so insistent on this question that the Government has at last been obliged to yield, and the result is that the Government has now resolved that there shall be no legislation in Ootacamund. The Madras



[Mr. T. V. Seshagiri Ayyar.]

Government will move down to the plains whenever there is to be a session for legislation, and I think my friends on this side of the House will join with me in conveying our heartiest thanks to His Excellency Lord Willingdon for the exceedingly good example he has set in this matter. It is purely owing to his initiative that this legislation from the heights of Ootacamund has been given up, and I hope that the Members of this Government will imitate his example and resolve that there shall be no more legislation from Simla.

Now, Sir, I would ask the other side of the House one question, is there any instance of a civilised country having two Parliaments in two different places? Can you quote any instance in which there is one Parliament or one Parliament House where you debate for two months and another Parliament House for debating a little later?

I believe the answer will be in the negative. Now, Sir, I shall very shortly give you my reasons for bringing forward this Resolution. As a large number of Members are expected to speak on this question, I shall not detain the House very long. There are three reasons why legislation should not be attempted from Simla. The first is, it is very expensive. On the question of expense, the Budget before you speaks for itself. There is no doubt that considerable money has been spent and will be spent if legislation is to be undertaken from the heights of Simla. I asked for information as to how much has already been spent. In answer, this information has been given: 'With reference to your letter, dated the 4th instant, I write to say that the figures you require are approximately as follows: Temporary Council Chamber for the Legislative Assembly Rs. 3,85,000, Residential Accommodation for Members of the Reformed Councils Rs. 6,32,000.' So, already apparently a sum of Rs. 10 lakhs has been spent; but, as was pointed out by my friend on the other side, you will be able to dispose of it to profit—but that is not the point. If I understand the position aright, for a very long time it was tacitly understood—I believe it was one of the recognised unwritten traditions of Government that there should be no contentious legislation from the summer residence. I believe that was so. Now, those were days when there were no representatives of the people on the Council. It was at a time when the Government itself chose the Members of the Council. Still because there was such a persistent opposition to legislate from the summer residence the Government of those days did not attempt to debate controversial matters from their summer residence. Then we come to the days when the Morley-Minto scheme came into force. One would have expected that when the Councils were enlarged and expanded and when the voice of the people was being more and more heard, there would be more yielding to the wishes of the people on this matter. On the other hand, I believe the example was set in Lord Minto's days of having contentious legislation from Simla. It was considered very exceptional, and the people allowed it to go on because it was represented at the time that if legislation was not attempted then the country would be in a state of revolution. What was done by Lord Minto was followed a little more in detail in Lord Hardinge's days. Now, Sir, at present we are told that already a temporary Council Chamber for the Legislative Assembly has cost the Government Rs. 3,85,000; apparently when the Council Chamber is completely finished, it would cost something like Rs. 20 lakhs. Now, the desire to have legislation from Simla seems to me a measure which would not in the least have the approval of the people. Apparently the appetite grows on what it feeds. Not having any contentious measure at first, and then with passing a few measures from the heights of Simla, we are now asked to have a permanent location at Simla from which

legislation, whether contentious or non-contentious, is to be undertaken permanently. That seems to me to be a very grave state of affairs which requires explanation. Therefore, in order to avoid expense of this extraordinary kind, this Assembly should see that no legislative work is done in Simla.

Another reason for my motion, Sir, is this, that it is very inconvenient. I think it was Mr. Price if I remember aright who said the other day that there are no good roads in Simla and no conveyances except rickshaws; and if I understood him rightly, it is only Jupiter who is allowed the use of motor-cars and that all minor gods have to walk the earth as other mortals do. Why should we put ourselves to all this inconvenience for the purpose of having a Simla session? Therefore, on the question of convenience, there is no doubt, that we should not move to Simla for legislative sessions.

My third reason is this, that it is very undesirable that we should have a session in Simla. If I remember aright, a Parliamentary Committee in England said that a disaster in the recent European War near Turkey was due to the absence of the Government in Simla. Now, if that can be said of the Executive Council being in Simla, and if it is true that because of the absence of the Executive Council from the plains and their remaining in Simla, these mistakes had happened before, it is a greater reason why this Assembly should not be dragged to Simla. It is bad enough to take the Executive Council Members there; it would be worse if you ask the Legislative Assembly Members also to go there.

Therefore, Sir, for these three reasons, namely, it is expensive, it is inconvenient, and it is undesirable, I ask that the move to Simla in order to legislate from the heights of Simla should be given up. It may be said that Delhi being a very hot place and not possessing a good climate, you cannot expect to finish legislation here. To that, my answer is this,—and I make a tentative suggestion to the Members on the other side of the House and I hope they will accept it. You can legislate for six months in Delhi, that is to say, from October to April. You can sit here from October to the middle of December, adjourn for a month and assemble again from the 15th of January to the end of March, and it would give five months for this Assembly to legislate. That would be ample time for any legislative session. It may be asked, supposing there is a measure of emergency which requires the presence of the Assembly Members; supposing between April and October, it is desired to call the Members of the Assembly to deliberate upon a particular point, how will you provide for it. My answer is this. If there is such an urgency, you must come down to Delhi; the Members of the Government must come down to Delhi. We are not made of ice, we are not going to melt away by remaining here for a few days, we must come to Delhi and share the sufferings of the people for about a fortnight. For example, the Honourable the Finance Member has been spending, I think, almost all his time in the hot climate of Delhi. Now, if the Honourable Mr. Hailey could endure the heat of Delhi, could we not for about a fortnight or a week come down here, remain and legislate and share with the people the hot climate and their sufferings also? It will show our practical sympathy with them, and, therefore, the possibility of there being an emergency arising which will call together the Members of this Assembly does not in the least stand in the way of the suggestion. I have made of having no session in Simla. The place, then, I am told, will be perfectly good, there will be no malaria, and it will not be sickly. Under those circumstances, I ask this Assembly to say that it is altogether unnecessary to have a session in Simla.

[Mr. T. V. Seshagiri Ayyar.]

Sir, I have practically done. I must point out that on this question of exodus to the hills all classes and communities are united. Europeans and Indians are all against legislation from Simla, and I may say that all shades of opinion are against it—Extremists, Nationalists and Moderates,—all of them are against legislation from Simla, and every newspaper, Indian or Anglo-Indian, has been writing against it. Now, under those circumstances, I ask you, the Members of this Assembly, are you going to go against the current of that opinion? If you do that, will you be regarded as truly representing the people of this country in this Assembly? By your vote this evening, you will tell the people outside whether you are truly representing them in this Assembly or not, and I would ask you to bear that in mind in giving your votes.

**Mr. R. A. Spence:** Sir, when I understood that this debate was coming up this afternoon, I thought it would probably be the Members of Government who would be having the nastiest time; but it seems to me, as an Ordinary Member of this Assembly, that there is a very unpleasant time before us if this motion is accepted. The Member who moved this motion, spoke about public opinion outside, and the view he gave of public opinion was challenged by various Members of this House. There is no doubt one view of public opinion which will not be challenged, and that view is that public opinion holds that the Members of the Legislative Assembly should work well and that they should cost the country as little money as possible. Now, I maintain, that if we have to stay at Delhi during the hot weather, we shall not work well, and I also maintain that if we do not go to Simla we shall cost the country a great deal more money than we do by going to Simla.

*Several Members:* How? How?

**Mr. R. A. Spence:** Well, you have got to bring the people down from Simla. If you are going to keep your clerks in Delhi the whole year through the hot weather, you have got to pay them more for staying here. You have made all arrangements for them in Simla, and if you are going to upset all those arrangements and bring them down to Delhi, it is going to cost you more.

Then, the Honourable Member, who moved this motion, suggested that we should meet in Delhi only in the cold weather. Well, does public opinion outside want every Member of this Assembly to be a man who does no work at all? I think that the majority rather like to have a Member of the Legislative Assembly who has got a job of work to do, and if you are going to have those sort of people here, you cannot have them staying in Council for six months in the year. Anyhow, you would lose me, and perhaps for that very effective reason, I oppose this motion very strongly.

**The Honourable Sir William Vincent:** Sir, I want to deal with one point raised at the earliest moment, namely, the suggestion that the Government promised a day for a full dress debate on this question. That was not my intention at all when I made my previous statement. What I did say was, that an amendment had been moved on a particular Resolution regarding continuous sittings and I thought it was unreasonable that this question should be discussed as a side issue. I then suggested that if any Member wanted to raise the question, he ought to raise it by way of a Resolution in the ordinary manner. I am not aware that I ever promised a date for any full dress debate of this question.

Turning to the merits as the Honourable Mover said, the question of the move to Simla of the Government does not arise really on this motion at all, which is merely a discussion whether this Assembly should sit here or in Simla during the rains or whenever it has to meet at any time other than in the cold season. The question is really one for this Assembly to settle for itself. Government is in no way anxious to bind the Members to—the Honourable Member said, I think, the other day—their chariot wheels. The attitude of Government is neutral in this matter. The Assembly will decide for itself where it wants to sit. If it wishes to sit in Simla, it can secure this by passing this demand. If it decides upon Delhi, then it can reduce the grant. It is purely a matter for their decision. But I think myself that Members would find it very inconvenient to sit here in the extreme hot weather as there will be no Chamber at Raisina, at any rate, for some years to come, and that coming in daily from Raisina during the hot weather or during the rains would be very irksome.

There is some support for this view in the attitude which has been taken up by Honourable Members other than official Members, who have had some experience of what the climate of this place is during the hot weather. But it is purely a matter for the Assembly to consider for itself. The suggestion that the Government should remain down here for 12 months is at present out of the question. It is not a feasible proposition because a great many of our officers now live under canvas—there are not sufficient houses for them, and it really would be quite impossible to get officers to serve in the Government of India if they had to live down here under present conditions throughout the hot weather. In my own Department, for instance, we have a Deputy Secretary now living under canvas and it is quite impossible for him to do so during the hot weather. There are many others in a similar position.

As to this particular building in Simla, the position is, I understand—and I hope my Honourable friend, Sir Sydney Crookshank, will correct me if I am wrong—that it is a temporary building for the accommodation of the Legislative Assembly. It has been begun and a good deal of money has been spent on it. The Council of State, it is proposed, should sit in the old Council Chamber which is close to Viceregal Lodge. The building will have to be completed in any case now and it will be available either for sessions or for any Government purposes so long as the Government goes to Simla or even for emergency meetings if this Assembly decides to sit ordinarily here, and on particular occasions only in cases of great emergency to sit at Simla.

Another point that appears to me to be of importance is the consensus of opinion of certain Members who come from the northern part of India, that Delhi is not a suitable meeting place in the hot weather, and I think, as I said before on a previous occasion, that this Assembly would be acting wisely if it accepts the proposal of a session at Simla for one year and waited until New Delhi is completed, until it knows what the possibilities of this place are, and what the climate in Delhi is like in the hot weather and rains, before definitely deciding to hold all its sessions down here. As I have already said, however, the Government is going to remain neutral on this question. My own information and experience of this place in the summer months is, that it is amazingly unhealthy and hot in certain seasons of the year. There is no question about that, and I defy my Honourable friend, the late Chief Commissioner of Delhi, who is a protagonist for the place, to deny this. The Honourable Mover has told us that there is no precedent for an Assembly

[ Sir William Vincent.]

meeting at two places. I cannot think of any precedent either ; but on the other hand, I cannot think of any precedent for such extremes of climate as you get in a place like Delhi. I want the Assembly to consider the question from the point of view of their own personal convenience and from the point of view of what is best for the expeditious and efficient conduct of public business. I myself fear that Honourable Members will find it much more convenient to transact their business in Simla during the hot weather season. But if they think they can do it equally well or better down here, then the Government will in no sense oppose the motion.

The Honourable Member said, that it used to be the practice in Simla only to deal with non-contentious legislation. That is so, but the practice was altered some years ago, I think, when I was the Secretary in the Department. I believe it originated at a time when communication with Simla was very difficult.

Now, conditions are entirely different. There is a comfortable railway and large numbers of Indians come from time to time up to Simla for their health, and the place is perfectly accessible and accommodation is also available. I may say I am told that even at that time, my friend, Dr. Sapru, tells me that Mr. Gokhale objected to this restriction—to contentious business not being transacted at Simla and he said it was inconvenient and unfair to the Council.

If, however, it is decided that the Assembly should meet here, I do not think it would be impossible, — one objection was raised on that score— to bring down the clerks in the hot weather. It would cause, of course, a great deal of inconvenience to them, but I imagine we could arrange temporary camp offices down here. But the real question—I want to put it again—which this Assembly has to consider is its own convenience and what is most advantageous for the conduct of public business. Whether they think they will be able to do work better here in these surroundings, having regard to climatic conditions and the fact that they will have to come in from Raisina daily, or whether it would not be better for them to allow this building in Simla to be completed, using it for the time being, and later, when New Delhi is completed, decide for themselves as to whether all the session of the Assembly should be held here or not.

**Dr. Nand Lal :** Sir, the Honourable Mover has given us three grounds on which he bases the strength of his amendment. (1) That we cannot have good legislation on the hills of Simla ; (2) that it is very expensive ; and (3) that it is very inconvenient. Let us examine all these grounds and see whether they can stand or not. My submission before this House is, that none of these grounds is tenable. Taking his ground No. 1, when I go to the Statute Book in India I can find that a larger amount of work was done in Simla. I am speaking subject to correction, but the little I know of the large amount of good work done in the past, on the hills of Simla, convinces me that my learned friend's argument that we could not have good legislation or a greater amount of legislation has no leg to stand upon.

**Mr. T. V. Seshagiri Ayyar :** I never said that you cannot have a large amount of work done in the hills. You are imagining some words that I never uttered.

**Dr. Nand Lal :** If I rightly followed my learned friend, he said, that we cannot have good legislation in the hills of Simla.

**Mr. T. V. Seshagiri Ayyar :** No.

**Dr. Nand Lal :** Then my learned friend meant to say, that you could have good legislation on the hills of Simla. It must be one of these - it cannot be both. If he admits that, then his own admission goes against his amendment.

Well, I spoke subject to correction. I am glad to see that my learned friend now comes out with his admission that we can have good legislation on the hills of Simla ; then, of course it goes against him. It comes to this, that if what he meant to say was that we cannot have good legislation on the heights of Simla, then my learned friend, I submit, is not correct. Whether the legislation is good or bad depends on one's brain. Naturally the question arises whether one can work better under better conditions and in good weather or under bad conditions and in bad weather. Now, clearly my friend cannot contradict this proposition that the weather at Simla is decidedly better than that at Delhi or at any other place in the plains. He cannot refute this argument. Then, so far as this argument is concerned, it stands determined once for all and I say it is unanswerable that the weather at Simla is decidedly better than that at Delhi, or at any other place in the plains. If so, then we can work better there, the output of work will naturally be greater and larger. Now, let us examine the other aspect. If the output of work is greater and we can work there more effectively and with greater intelligence, then this is economical. This pays the country.

What we really want is efficient and good work. If our work at Simla will be decidedly better as I am trying to prove, then it will certainly prove useful to the country, and it is thus not expensive at all. My learned friend while discussing this ground made allusion to some precedent. This may be so far as the Madras province is concerned, but I am sorry to say that this precedent will not appeal to other provinces. My learned friend says, 'Is there any place where there are two sessions and where the Legislative Bodies move from one place to another?' I would ask my learned friend, if I am permitted by the Chair, to ask, 'Can you cite any country where there are two extremes?' We have got the severest winter and the severest summer. Does my learned friend really mean to say that we may be forced to work at Delhi in summer and die. I think the constituencies whom we represent would not like this idea. The longer we live, as servants of our country, the better it will be, and there will be a greater amount of work done. If we are troubled and inconvenienced by the scorching heat, we will come here no doubt, but I am afraid, some of us will feel sleepy and some will feel tired. I may say, it is a wrong idea to suggest that we can advantageously hold our meetings here in Delhi or at any other place on the plains in summer. Thus, it comes to this, that if the summer session of this Assembly were held at Simla, that will benefit the country economically, it will pay the country so far as our length of service is concerned, and it will pay the country also so far as intelligent work is concerned.

Now, coming to the second ground, *viz.*, the question of expenses. A few minutes back we were discussing the sum of money which is spent on the conveyance from Raisina to this place, and one of my Honourable friends moved an amendment that this expense was unnecessary. After all it was found that it was not unnecessary. Taking the argument of my learned friend, if the summer session is held here in Delhi, the aforesaid expense will recur. Then, how can my learned friend say, that it is very expensive to hold the summer

[Dr. Nand Lal.]

session at Simla, taking into account this very item which was before this Honourable House only a few minutes back? Therefore, on this score also, *viz.*, so far as the question of expense is concerned, my learned friend's amendment has got no force whatsoever.

Then, the third argument, which my learned friend advanced with the greatest possible force, was the question of inconvenience. And what is his so-called inconvenience? It is this, that there is no motor bus, no motor car, in Simla. I may be allowed to point out to my learned friend that if he stays at Simla, it is necessary for him to have a little walk. If he has stayed at Simla, I think he will corroborate me and will have no hesitation in accepting my argument. Our stay at Simla will necessitate our having little walks. And if we have got to walk for a mile, shall we become sick? It will give strength. It will be exercise. A human being cannot live without having some exercise. Does my learned friend seriously mean to say that we should take no exercise at all, that we may work from 11 A.M. to 5 P.M. and have no exercise, that we should be put in a motor car, come to the Secretariat, and then be put again in the motor car and carried back to our residence?

I think my learned friend's argument that the whole country is in support of the amendment does not seem to me to have much force. Our country would like that we should work hard, that we should come prepared to work conscientiously, that we may take exercise so that our brains may be in good order and we may work intelligently. My learned friend must bear in mind that we are not so much averse to taking exercise as he is. We are in favour of it. So, on this ground also my learned friend's argument has got no force at all.

Another argument of my learned friend was, that we should have two sittings here in Delhi, one from October right up to the end of November, if I followed him rightly, and then from first January right up to the end of March, that is to say, there should be no summer session at all. I cannot say what he is contemplating, but if I may be allowed to place the right grammatical construction on his argument, then it comes to this, that there will be no summer session, *viz.*, there will be only one session, the summer session being eliminated. Supposing some emergency requires the convening of this Assembly, what will then happen? Fresh summonses will have to be issued. It cannot be disputed that it is necessary that there should be a summer session also, and the history of legislation tells us that there have been summer sessions; one session during winter and the other during summer. So, on this ground also my learned friend's argument cannot hold water.

Then, my learned friend says, that the country has been, as a matter of fact, saying 'you, legislators, can not hear us because you are far away.' I cannot understand the drift of this argument. If we, when in Simla, cannot hear our people, can we hear them when in Delhi? Is there anything special about Delhi? Newspapers fully convey all ideas to us. Don't we read newspapers when in Simla? Newspapers convey to us the ideas and sentiments and opinions of the people there also. Does my learned friend seriously mean to say that when we go to Simla we cease to read newspapers, or that no newspapers will be sent to Simla? Does he mean to say, that newspapers are only meant for Delhi and other places in the plains? If he admits this proposition, that the postal authorities are quite competent to send newspapers to Simla as well, then, I am afraid, there is similarly no force in my learned friend's argument.

We hear our people at Simla as well as we hear them here in Delhi. There is telegraphic communication, there is telephonic communication, and none of these communications is cut off from Simla. If my learned friend knows more than I do in this direction, then perhaps I may feel constrained to give in, but I am afraid I cannot admit it, because I belong to the Punjab, and I am nearer Simla than he is, and I can tell him that his proposition has got no force. Had I realised any kind of force in any of the arguments which have been set up by him, I would have been very glad to agree with him and accept his proposition. But I feel bound to say that there is no force in any of the arguments. Therefore, I respectfully differ from him and I hope that the House will agree with me and reject this amendment which I very strongly oppose.

**The Honourable Mr. B. N. Sarma:** Sir, the substantial question before the House is as to whether they should accord their sanction to the expenditure suggested under these three items. Its determination is to a certain extent dependent upon a solution of the problem raised by the Honourable Mr. Seshagiri Ayyar, namely, as to whether it is desirable, generally desirable that there should be no legislation, especially of an important character, undertaken in the hills.

The Honourable Sir William Vincent has already indicated to you the attitude of the Government in this respect, that they are entirely in your hands, so far at any rate as the present year is concerned and so far as the present Government is concerned, and that it rests with you as to whether you would have your session during the current year here or in Simla, and speaking as the Member in charge of the Public Works Department, I may say, that to a certain extent the burdens of my departmental officers will be lightened if they had less work to do, but I would like to place before the House certain considerations which should be borne in mind in coming to a conclusion on this subject and I would ask the Members to see whether in the interests of the reformed Government, in the interests of preserving in their hands the powers conferred upon them, it is not desirable that they should have legislative Chambers provided both here as well as in Simla, so that without any difficulty, without any inconvenience, without any undue prolongation of time or delay, they may be able to meet when an emergency arises, when the Viceroy thinks fit to convene a session or is requested to do so by a large number of Members. We must set aside from our minds the contingency of our being able to discover a place to which the Capital may be removed and located all through the year. Assuming for a moment that that would be the solution ultimately arrived at by this House and by this Government, I would still put it to the House that it will take several years, it may be 5, 7 or 10 years, before you build a Capital of that description. Taking it therefore that Delhi will be the Capital or will be one of two Capitals, because even assuming that you are going to have only one Capital and that in Delhi, it will take about 5 to 6 years before you build the New Capital here, the question is reduced to a simple point. Is the Legislature going to deprive itself of the opportunities which it would otherwise have of holding the session at any time the Governor General may be willing or feels it necessary to hold a session, because it thinks that ordinarily legislation should not be undertaken at Simla or that a few lakhs of rupees may have to be expended on the Council Chambers and in providing accommodation for Members? Well, Sir, I need not expatiate upon the changes during the next few months, because I think Honourable Members will themselves have realised this aspect of the problem. A new Viceroy will be coming



[Mr. B. N. Sarma.]

who may be desirous of making your acquaintance and discussing important problems and therefore of convoking the Assembly in the customary manner or during the first few months of his arrival here, and it would be rendering it very difficult for him to have a session if you insist upon no provision being made in Simla. Or it may be that some emergency may arise which may necessitate the holding of a meeting in Simla and by your cutting down this grant you will be permanently depriving yourself, not only this year but generally of holding the session in Simla. And all for what? For an expenditure of about 6 lakhs of rupees on the central buildings for a Council Chamber and a lakh or two on accommodation for Honourable Members. Nearly four lakhs of rupees have already been spent on the building of a Council Chamber. I may incidentally remark that the buildings are going to be so designed as to be suitable for other purposes in case the Legislature should decide upon having no session at any time in Simla. I give that as a piece of information, but, proceeding, I say, you have already spent four lakhs of rupees. Sir Sydney Crookshank has already told you what a wasteful expenditure of money it would be suddenly to pull up and stop work in the middle, and that is exactly what you would be doing if you were to postpone a decision or if you were to deprive the Public Works Department of the grant for which they ask during the current year. Well, then, if you make this grant, you will have an opportunity of deciding later on, if you wish it, not to hold a meeting at any time in Simla. If you so decide, then this money will have been utilised in the construction of buildings which the Government of India feel necessary for other purposes. Therefore, there will not be any waste of money on this account, whereas, on the other hand, there will be wasteful expenditure if the grant be not made, four lakhs of rupees being thrown away for nothing.

Then, take the case of accommodation for Honourable Members. It has been said that it would be very inconvenient and very expensive to go to Simla. Well, I have had some experience as a non-official Member of the Legislative Council for many years. Since 1906, I have been connected with work in the Councils and for four or five years here, and, speaking for myself, I found no very great difficulty in transacting business on the heights of the Nilgiris in Ootacamund or of the Himalayas at Simla. I found myself perhaps fitter for work in Ootacamund and in Simla than in Madras and in Delhi. But, apart from the question of personal equation, I can assure Honourable Members, that they will be truly democratic in Simla. There, everyone has either to walk or go about in a rickshaw if he cannot ride, and neither is so expensive as a ride in a motor car. So you will lead both a democratic as well as a less expensive life in Simla so far as the question of locomotion goes. You will be better fitted for work and, as far as I could see, during the last four years that I was a Member of the Imperial Legislative Council, I found a good deal of contentious work actually transacted without much objection on the part of the country. There is no doubt great truth in the contention that we should avoid legislation in the hills when legislation can be transacted in the plains, but that remark does not apply so much to Delhi and Simla as it might to Calcutta and Simla or as it might to Bombay and Mahableshwar or to Madras and Ootacamund, because in Bombay, Calcutta and Madras, you have public opinion, whereas there is not much in the hill stations. You can consult experts in various branches and take their advice. But it seemed to me that it was the same whether I was in Simla

or in Delhi so far as the seeking of outside help was concerned ; it made no difference so far as the intellectual atmosphere or the commercial atmosphere surrounding you was concerned. If it was khaki there, it was khaki here ; there is less dust there, more dust here. But I think from the general point of view I found no great help and I think Honourable Members also will feel that there is no very great intellectual help either in Simla or in Delhi and it will continue to be the same for some time to come.

Coming to the question of the expensiveness and the inconvenience, I do not think there is much difference between Delhi and Simla even when the question of travelling thence from the remote corners of India is concerned, because, coming from Madras, I always felt that it was the same whether I got down from the train at Delhi at 12 O'clock at night and broke my sleep or went on and got out the next day at Simla. It did not make much difference from the business point of view and if non-official Members spend a few rupees more in travelling expenses, there would be a saving in respect of the Government officials coming down here. So on the question of expenditure I do not think much can be said one way or the other. From the point of view of the convenience of Members, there is not much difference in point of time whether they come to Delhi or Simla. There is a difference of a few hours I quite grant, but then you can far more efficiently transact business there than here. I place my case far more strongly, however, on the first two grounds. First, that this House should not deprive itself of its opportunity of doing good, of discharging its responsibilities at a moment's notice and of having a meeting convened whenever there may be necessity. Of that opportunity it would deprive itself if it cuts down this grant. The other ground to which I ask your consideration is, that you have already spent four lakhs which would be wasted, and with regard to the additional sum it is not much compared to what has already been spent. Therefore, both on the grounds of economy and the convenience of Members, and because both places are the same from the point of view of intellectual environment I think you ought to vote for the grant which has been asked for.

**The Honourable Dr. T. B. Sapru:** Sir, the advocates of Simla have spoken with enthusiasm of Simla, and so I believe have the advocates of Delhi of Delhi. I do not propose to take any side in regard to this matter. But there are just one or two considerations which I shall place before the House.

In the first place, the issue which has been raised by my Honourable friend, Mr. Seshagiri Ayyar is, as he himself very frankly pointed out, a very narrow one. He did not say that he was raising the general issue as to the exodus to Simla, but he said, if I understood him correctly, that the real issue before us was as to whether there should be legislation in Simla. That is the only issue before the House and it is with regard to that issue that the House is invited to give its verdict. As I have said already, I do not wish to speak in the spirit of a partisan, but there is one important consideration which I will beg the House to remember. It is not really for the Government to fix any place according to the rules. The power of convening a session of the Legislative Assembly is given by rule 3 to the Governor General as distinguished from the Governor General in Council. The Governor General by notification appoints the date and place for a session of the Assembly. Now, as the House is aware, the new Viceroy will be here within a fortnight or so, and so far as I have been able to ascertain the views of my Honourable Colleagues in the

[Dr. T. B. Sapru.]

Government we propose to place the result of the discussion in this House before the new Viceroy; and for the time being, so far as the Members of the Executive Government are concerned, they are not going to vote in regard to this matter. Others are at liberty to vote as they like. We shall examine the result of the debate very carefully and put the whole matter before His Excellency the Viceroy. It is really for you to assign the grant or to refuse it as you think fit. So far as we are concerned, we are not taking any sides as regards this particular matter. There is only one more fact to which I shall refer just now in order to remove some misapprehension in regard to this building which is going on in Simla. It may be the impression of some Members of this House that this building was started in Simla without reference to the predecessor of this House; namely, the Legislative Council. I am told that Sir Claude Hill convened a meeting of some Members of the Legislative Council and put the matter before them; excepting one gentleman, the rest of them were agreed that there should be a Legislative Chamber there, and this gentleman who first disagreed subsequently changed his opinion; and as has been pointed out by Sir Sydney Crookshank at an earlier stage of the debate to-day, the building has been going on there for the last one year and a considerable sum of money has been spent. That is really the position so far as the Members of the Government are concerned. Their position has been explained by Sir William Vincent with whose remarks I associate myself. The matter, so far as the grant is concerned, is entirely in your hands. As Sir William Vincent reminds me, there is only one thing more, that I should point out to you, and it is the temporary character of this building, which is not very much suited for the hot weather; but so far as the general issue which has been raised by my friend, Mr. Seshagiri Ayyar, is concerned, we shall await with interest the result of this debate.

**Baba Ujagar Singh Bedi:** Sir, I am sorry I am unable to see any force in the arguments advanced by the Honourable Mover of this Resolution.

Firstly, that a considerable number of us present in this Hall—at least most of us who come from the northern part of the country—usually go up to the hills during the summer to save ourselves from the extreme heat of the plains. Those of my Colleagues who have experienced the heat in the plains of the Punjab will, I am sure, agree with me that an exodus to the hills is not a luxury, but it is absolutely necessary for the preservation of health. When, therefore, ordinarily we go up to the hills in the summer, I think it highly undesirable to force us to come to a particularly hot place like Delhi at that season of the year to transact the business of the Assembly. I am sure, this course will tell upon the efficiency of its working.

Secondly, I cannot imagine any person keeping himself quite calm and composed, sitting within the four walls of a room, in the company of so many persons as we all are here during the months of June, July and August.

Thirdly, if the sessions of the Assembly are held in Delhi in the summer, it will necessarily mean the detention of the whole of the Secretariat. If not, it will mean the coming down of the Honourable Members and the Secretaries to Delhi from Simla. This will mean their absence from their ordinary duties for a very long time which is very undesirable. Again, I cannot for a moment feel justified in thinking that while we ourselves like to go up to the hills, we

should persist on the Englishmen who come from much more cool countries staying in Delhi in the summer. Apart from the loss of efficiency which will result in the long absence of the Secretaries from their headquarters, I do not understand how the heavy expenditure on account of the travelling allowances of these officers and their staff will be met in these days of financial stringency.

Without, therefore, making further attempts to discuss the demerits of this Resolution, I strongly oppose it.

**Rao Bahadur T. Rangachariar :** Sir, it is with a sense of trepidation that I rise to support the motion of my Honourable friend, Mr. Seshagiri Ayyar, not that I am not fond of cool heights. I myself resort to hill climates during the summer vacation in the High Court. But, Sir, I look upon my position here not as Rangachari, but as representing the millions of population of the country. Sir, it was asked, are we to die in Delhi? Do the two lakhs of people living in Delhi die every year and get resurrected every other year? Did my father and grandfather seek the heights of Simla or Ootacamund to transact their work? Did the kings of old transact their business in the plains or in the cool heights of Simla, Ootacamund, or Darjeeling as the case may be? Sir, I did not realise till now, I did not realise till I heard the discussion in this hall, that our politicians were not sincere. Sir, ever since I began to take lessons in politics, I have heard of this exodus. In fact, the very first lesson that I learnt was with reference to the sins committed by this white bureaucracy administering the country from the heights of Simla. I did not know there would be brown bureaucrats also. Sir, the question is not one of money. The question is one of moral influence. My Honourable friend, Dr. Nand Lal, asked us, are we not in touch with newspapers? Now, if my Honourable friend is going to take lessons from newspapers and not from actual human life, I am afraid, he will not be performing his task in the way in which he is expected to do. Are not courts sitting in the summer? Does not my Honourable friend, being tempted with fees, appear before magistrates who toil in the plains in the middle of the hot summer?

Now, Sir, I was surprised that my Honourable friend, my leader, Mr. Sarma from Madras, had the courage to stand up here in this House and defend this flight to Simla? I learnt my lessons at his feet. As the President of the Mahajan Sabha, I am sure, he drafted telegram after telegram abusing, and vilifying, this wicked bureaucracy for always flying to the hills. I was but a humble student learning my lessons as Secretary to him. If Sir T. Madhav Rao who condemned this exodus at a famous public meeting in Madras in 1887, if the Rev. Dr. Miller who is the revered Principal of the Christian College, deprecated the exodus, and again if gentlemen of eminence at various places have entered their most emphatic protests against the exodus what has happened since that we should now encourage it? Is Simla big enough to contain the population of India? Sir, you must deal with the people, do the work of the people, and do their work feeling as they do; is it merely because we all belong to the upper classes, whom fortune has favoured, because we can afford to go and live there, that we should go and do administrative and legislative work from these cool heights? As I said, any place in the plains where our brothers and sisters, fathers and mothers, live and toil all the year round ought to suit us. Is it unfit for your habitation? Then flee from India, if you think that the plains of India are not a fit place for doing our work. I am ashamed to hear, Sir, that any part of India is not fit for work during the summer.

[ Rao Bahadur T. Rangachariar.]

Were we born in the cool places? I was born, Sir, at a place where the temperature rises up to 110 degrees sometimes. I think, Sir, that we must bring some sense of responsibility to bear in deciding the very grave issue which has been raised to-day. As the Honourable Members for Government have remarked to-day, the responsibility for the decision to-day rests with us, Indians. We have to go to our brothers and sisters to-morrow as soon as the session is over. Remember, it is not merely our own concern, it is a concern which will affect the future.

Now, Sir, looking forward to the future, I expect not only rich men to come here to this Assembly; I expect poor men also to take their humble part in sharing the administration of the country. I look to the day—it may be 5 years, it may be 10 or 15 years hence—when the masses will also send their representatives here. How do we expect them to afford to go and legislate in the cool heights of the Himalayas? Surely that is giving a tall order. It is bad enough that the Executive Government go there. But that question is not yet. When we force their hands, when we say we will hold our legislative sessions here, then I daresay we will be bringing indirect pressure upon the Executive Government also to change their methods, to diminish their months of stay in the cool heights. Sir, I have before me merchant princes who dwell in Bombay, who dwell in Calcutta; I have before me eminent professional people, like Mr. Norton, who do not hesitate to come down to the plains when a tempting fee is offered. The pleaders of the High Court do their work in Bombay and in Calcutta in May and June. As Delhi, the seat of so many Emperors, so bad as it is represented? I am rather surprised that people from the Punjab should rise to oppose this motion. What would have been your plight if you had been in Simla when the Punjab was shedding its tears? Would you have been in the heights of Simla when all these transactions took place? Would you have been in a position to know merely from newspapers what was happening in Amritsar and other places? Is that the conception of our duty here as legislators to whom, as my Honourable friend put it, not only is legislation entrusted, but we are here to guide the Executive in the administration of government. If you had been in the cool heights of Simla when all these happenings took place, would you have been able to influence matters? Even in the plains, as you were, you were not able to do anything; in the hills you would have been in a much worse position. But, Sir, the question is not of money; it is not a question of putting up one building or several buildings that you have begun. Once for all we should determine in this Assembly that we are of the people, we are working for the people and we will stay with them and do our work for them, guided by them and controlled by them. Otherwise, when you are in the cool heights, you won't get first hand information; you will have to depend on newspapers for knowledge. And which newspaper will you take? The *Leader* or the *Independent*; the *Times* or the *Bombay Chronicle*; would you take the *Hindu* or *New India*; the *Jengulee* or the *Amrita Bazar Patrika*? All this is mere specious argument and special pleading which we are all accustomed to as lawyers. As deliberative and responsible people assembled here, let us not adopt these devices, but let us put the question to our conscience and to our hearts and ask ourselves are we really voicing the feelings of the people when we say we shall go to the heights of Simla and legislate and carry on administration there. There can be but one answer given if we put the question plainly and fairly to them. Therefore, Sir, let us forget ourselves; let us not

forget that we are mortal ; let us remember that we will disappear from this Assembly in another year or two. The decision you come to will be taken hold of afterwards.

As my Honourable friend, Mr. Sarma, said, the new Viceroy will be here soon ; and I say, Sir, and I say it with all the emphasis at my command, that we should have no doubt on the question as to whether this Assembly will go to Simla. I say that we should not go to Simla for the purposes of carrying on the legislation of this country. Whatever the Executive Government may do, let us not set a bad example to them. Let us turn them from the bad example they have already followed. Let us not be written down as insincere, let not the public say that we promised to do one thing but have done another. Let not that be written against the Assembly, and, therefore, I earnestly appeal to the Members of this Assembly ; let us not be drawn away, let us face this important question squarely and fairly and above all, let us come to the right conclusion. One Honourable Member said that we could not do as good work in the plains. Surely that is not so. I have greater confidence in Mr. Spence and I would expect the same amount of work from him here as in Simla. The same thing applies to my Honourable friend, Dr. Nand Lal. I do not think he would fall asleep when appearing before Judges on the plains. As regards the clerks, I do not think that is a very difficult question because it can be quite easily managed.

It was suggested that we were going to work all the year round. If that is so, then I am afraid that Government work will not get on at all. Then someone suggested that we should wait for the views of the new Viceroy. By all means, but I think it would be better if he were to find this Assembly here. Delhi has been chosen as the Capital of this country, and surely there is no reason for going back on that decision. Already we have spent lakhs upon lakhs. That may be. But let us spend more, if need be, upon the new Secretariat and the new Council Chamber and the new houses. Make them comfortable and habitable and then you will have no reason to complain. I object to the policy of Government of spending 80 or 90 lakhs and keeping up a costly establishment. But I strongly urge upon the Government to spend more on New Delhi. It will really reduce the expenditure in the future and it will go to making the new buildings habitable. We have chosen Delhi, we have sunk lakhs in Delhi, now let us see that those lakhs have been sunk for the proper purpose for which they were provided. Why not set apart year by year, 10 lakhs, or 20 lakhs for that matter, for sinking fund and interest and find more capital, let us then show that we can work down in the plains, down in Delhi, and do our work just as good as if we were in Simla.

If I have spoken feelingly on this matter, please forgive me, but I do think that there is a great issue at stake and that a very great responsibility rests upon this Assembly.

**Mr. Eardley Norton :** Sir, we have had from two opposite benches, two very oratorical representations of two converse cases, both stated with equal ability. One from my Honourable friend behind me who is a Hindu and who has been mistaken for a Muhammadan, and the other from my Honourable friend, Dr. Nand Lal who also is a Hindu but has not yet been mistaken for a Muhammadan. These gentlemen have pleaded their causes each with marked effect. For myself, on this point I feel absolutely neutral. For years I have been amongst those who have insisted with a loud voice that Government should not legislate from the clouds of Simla, that they should

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not sit there for 7 months in the year but should come down and do their work, as other men—quite as good and efficient do it—in the plains. I cannot for a moment accept the theory that better work can be done in the hills than on the plains. I have myself been in this country for 43 years, and I have spent nearly 40 years in the plains, where much good work is done in the hot weather.

There can be no doubt whatever, that whereas other High Courts adjourn for May and June, the Judges of the High Court in Calcutta sit continuously through the heat till August and do much of their best work during the hot weather, except of course when they are asleep.

I think the argument that we cannot do good work in the plains is an argument which is beside the fact. Some of the very best work in India is done in the plains. To turn for one moment from lawyers to merchants, we have representatives here from Karachi, and Bombay, and Calcutta, who are living examples of how men who work hard in the plains can in a comparatively short time roll up their millions. Therefore, I reject the suggestion that you cannot do good work in the plains. I am, however, torn, between two conflicting emotions, as represented by the two champions of Simla and Delhi. The two emotions are these. I should like personally very much to go to the hills, if only for the purpose of seeing there the pathetic and humorous picture of two learned legal doctors upon two little horses riding from Longwood Hotel to the Assembly Hall and possibly falling off in the journey more than once, arrayed in long grey coats and tall white hats. That is a picture which almost irresistibly draws me to Simla. Then, on the other hand, when I think of the other and more pathetic picture of possibly being called upon, although I wish him long life, prematurely to attend the funeral of Dr. Nand Lal in Delhi, I admit I am strongly tempted towards the plains.

It seems to me that the best and most honest course is to do what the lady in the Bible did—to declare to whatever majority happens to carry either side of this Resolution to-day, 'Thy God shall be my God, whither thou goest I will go.' I shall follow the majority with public satisfaction if with private regret, for I shall feel, that if I come here, it will not be in the heat.—I do not for a moment apprehend that Government are going to bring us down in May and June for the purpose of our Legislative functions. We shall be brought down, I have no doubt, at a far more reasonable period of the year. If, however, I am taken to Simla, I shall feel that there is some pleasant life to be found there too, that, say what you will, the climate there is certainly more attractive than the climate here. But, after all, these are personal considerations for I think that as a matter of fact we can work just as well here as we can elsewhere and I do feel there is much force in what my friends, Mr. Seshagiri Ayyar and Mr. Rangachariar have said on their plea for Delhi. It comes to me with a curious though not uneffective shock that the Honourable Mr. Sarma, who after having upheld one proposition for five and twenty years should now stand up and publicly retract his views because he has shifted from a Congress man to an official, thus acclimatising himself to that system of life which for so many long years while in opposition he has so strongly denounced. There is little more to be said about this. Is the voting upon his decision to determine the issue whether we are to go to Simla or to stay here? That issue appears to me

at present to be somewhat clouded and obscure. The Resolution merely says you shall not spend money upon building an Assembly Chamber at Simla. It makes no reference to our visit to Simla or to the alternative of legislating here. An Honourable Member in this House may quite logically vote that we should not spend money on the building in Simla and yet not commit himself to an official visit to Simla in the future. If the matter, as I understand, is going to be decided by the voting on this Resolution, the vote will determine the question as to whether or not we are to go to Simla. Well, I shall be very curious to watch the result of this debate; I shall be very curious to scan the lists when they come out, and see which way men who have given us their opinion for many years are going to vote; whether when the real temptation comes, of having a jaunt up to Simla at Government expense, they will turn their backs on their former utterances and adhere in rigid virtue to Delhi or whether they will in recollection of their long assertion of what they called their principles, do what Mr. Rangachariar asks them to do, and, throwing their own alleged conveniences aside, sacrifice all other considerations to the duty of enforcing the declared wishes of their constituents. For myself, I shall not vote.

**Mr. S. C. Shahani:** Sir, I do not wish to remain neutral. I deem it necessary for me to decide whether I should vote for Delhi or for Simla. There is no danger of my being torn between the two champions of these two causes in this House. And I shall feel least inclined to attend the funeral of Dr. Nand Lal here in Delhi or go to Simla to see the pathetic processions spoken of by my Honourable friend, Mr. Eardley Norton. It is a very grave question for me, and I have pondered it carefully enough. I am wholeheartedly for the principle involved in the proposal that has been put forward by my Honourable friend, Mr. Seshagiri Ayyar. I only regret that he has not gone far enough and urged that it is necessary and absolutely necessary that the Government themselves should not migrate to Simla in order to do their administrative work there. The poor taxpayers are already being bled to death. I must record my protest against the migration of Government being encouraged in this House. There is not the slightest doubt in my mind that the people are unanimous that there should be no migration to the hills. The migration is costly and the people cannot stand the expense. There is another reason why we should not be far away from our chief place of action, namely, Delhi. We should be in touch with the people. Take, for instance what transpired at Amritsar. In the circumstances proximity to the Government in Delhi must have been coveted by the people of Amritsar. But, nevertheless, I would not play to the gallery as my Honourable friend, Mr. Rangachariar, has done. He seeks to make out that he alone is a true patriot. My feeling is, that he would be anything but a patriot who in the present circumstances advocates that the Assembly should not meet at Simla. Our Viceroy and our Government would be at Simla. It would cost the Government a great deal to come down to Delhi to organise meetings of the Indian Legislature. And, as my friend, the Honourable Mr. Sarma, has rightly pointed out, we should not deny ourselves the opportunities that may be afforded to us of coming in contact with the Viceroy and the Government for concerting necessary action for the good of the country which we have at heart and which we represent in this House. I am strongly of opinion that at any rate for this year we should go to Simla, and that, in so doing, I would not for a moment lose sight of the interests of the people. It has been very



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rightly said that there should be houses provided for the Members of the Assembly as also for Members of the Council of State both in Delhi and in Simla. So long as the Government keep at Simla, it is necessary that it should be possible for us, whenever called upon, to go there and meet for the transaction of business. My Honourable friend, Mr. Seshagiri Ayyar, has said that we should keep in Delhi and sit at a stretch for six months. That is, I think, a very unpractical proposal, and ought not to find favour with this Honourable House. You are certainly not going to confine this Assembly to those who have retired from business and have nothing else to do. Those who are actively engaged in the work of life should also be afforded an opportunity of representing their country, if the country should have confidence in them. One must be constructive, and must put forward a proposal which will meet the requirements of the situation. If you cannot do that, pray do not oppose the demands that have been made by the Government.

**Mr. Amjad Ali:** I move, Sir, that the question be now put.

**Mr. E. L. Price:** Sir, as the debate seems waxing warm, perhaps, the House will be glad to hear something of my well-known softness and moderation. I am not, Sir, afflicted with a Past in this matter. There is no *chela* that can rise up and rebuke me for what I said yesterday, and I do not know that I feel particularly inclined to take any decision now for to-morrow. But Dr. Sapru has actually put me in some difficulty. I understood him or Mr. Sarma to say that out of Rs. 5,64,000 required for building this Chamber, over four lakhs has been spent.

**The Honourable Mr. B. N. Sarma:** The total is ten lakhs. Nearly four lakhs have been spent and Rs. 5,64,000 will have to be spent.

**Mr. E. L. Price:** I could not follow that. There is then altogether a sum of ten lakhs being expended for building a Council Chamber in Simla. Nearly half the money has been already spent and we have got to decide now whether we vote the rest of the money and complete the building or whether we do not. But the difficulty that the Honourable Dr. Sapru has introduced into this question, to my mind, is first this, that he proposes that the Executive Members of Government shall stand aside. I do not know *why* they should exclude themselves from the division. They have every right to vote, and I think it is a most objectionable principle that any Member of this Assembly, whatever his position, should decline to exercise the vote that he is entitled to, on any consideration. Perhaps it is because he puts it to the House, as I understand him, that the vote on this subject will be submitted to His Excellency Lord Reading when he arrives, and the consequence of our vote may affect future arrangements. But the difficulty is, that the vote that we give on this question, in my opinion, has got nothing to do with the Simla question. You have simply started a building, you have spent four lakhs on it, and common-sense dictates that you should put up a roof over it. If you do not, what is going to happen to our four lakhs of rupees in brick or stone or whatever there is below? Are you going to sink four lakhs of money in order to make a picturesque ruin? So that, it seems to me from the point of view of Dr. Sapru's suggestion, I do not know how to vote. I want to vote. But when he tells me, that if I vote and complete the building which is nearly half done, my

vote will mean that it is put on record and shown to the Viceroy that I want to stay for ever at Simla, how can I vote? Dr. Sapru has put me in the greatest difficulty and I hope, that that difficulty will be removed for all Members.

**Mr. Jamnadas Dwarkadas :** I thought after the most eloquent speech of my friend, Mr. Rangachariar, there was no need for any one to speak, and that the motion on being put to vote would be accepted by a large majority of the House, I mean the motion of reduction which has been brought forward by my friend, Mr. Seshagiri Ayyar. But it seems to me that there is still a little opposition, and I cannot understand the reason why. It seems to me, Sir, that Dr. Nand Lal, instead of looking upon himself as a part of the circumference of the country, looks upon himself as the centre of the circle and would so arrange things that everything should contribute to his comfort. I want to assure him that in this House in Delhi, even though we may be invited here in summer, we shall have the fans trying to keep the heat away from us. We shall have soft seats which certainly will make us less uncomfortable, and I do not know that there is anything in the argument that we shall be unable to work in summer if we are invited, and if the idea of going to Simla were dropped. I want Dr. Nand Lal to remember, that while we, who claim to be the representatives of the people, bring forward these small objections and say, that if we are not provided with proper comfort and if we are not taken to Simla, we shall be unable to work—while we are engaged in doing that, there are people in the country to-day who are prepared to do their work at a sacrifice in the worst of warm days.

I do not agree with their views, but I do say, Sir, that if the people decide to follow them and not follow us, it will be our own fault, it will be the fault of the objections that we bring forward here against sitting in summer in Delhi. I want to remind Dr. Nand Lal of what took place last year. There was a meeting of the All-India Congress Committee in Benares on the 30th of May. The attendance was full. In Benares we had no soft seats of this character. We had no fans to give us comfort. We had to sit there on bentwood chairs from 7 O'clock in the morning till about 11 O'clock at night and, Sir, there was not a single person who objected to that. Then again there was a meeting on the 1st of June in Allahabad . . . .

**Dr. Nan<sup>1</sup> Lal :** With the permission of the Chair, may I ask my Honourable friend for how many days he attended that meeting?

**Mr. Jamnadas Dwarkadas :** I attended all the meetings. There was not a single day on which I was not present. These meetings went on for 5 or 6 days altogether. But I want to say this, Sir, in Allahabad there was a meeting not only of most of the members of the Congress Committee and of the Khilafat Committee but among those present was my Honourable friend, Dr. Sapru, who stands up to take a neutral attitude on the question but also confronts us with a difficulty which has been referred to by my Honourable friend, Mr. Price. Now, Sir, I ask those who are raising these frivolous objections against having our sittings in Delhi throughout the year, whether they are acting in the interests of their constituents, whether they are acting in the interests of their own countrymen, when they are allowing the masses of their countrymen to fall into the hands of those whose propaganda we are rightly objecting to but some of whom have got the spirit of self-sacrifice not to mind the discomforts of weather. I think we shall be ill doing our duty to our countrymen, and to our constituents if we allow these personal

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considerations of a very unimportant character to come in the way of performing our duty to those whom we represent here. It will not affect us whether we go to Simla or not. It will not affect us much but surely it is going to affect the country in many ways, as has been pointed out by my Honourable friend, Mr. Seshagiri Ayyar and by my friend, Mr. Rangachariar. I do not intend to go into those objections again but I shall deal with the difficulty that has been placed before us by Dr. Sapru. He says, if you do not vote for the grant, then the money we have spent, about 4 lakhs, is wasted! I ask those who bring these objections, 'whose fault will it be if this money is wasted?' We are not responsible for your having spent the money. I am told that it was not the Imperial Legislative Council but a few Members of that Council who were informally consulted by Sir Claude Hill and every one of them agreed to that money being spent. Well, Sir, I shall come forward and say, that I am not even responsible and I am sure the Members of this House are not responsible for the sins of their predecessors or of a number of them.

**Mr. E. L. Price:** But we have taken over their obligations.

**Mr. Jamnadas Dwarkadas:** As a matter of fact, I would allow this 4 lakhs to be wasted rather than allow 10 lakhs to be wasted and set an example to those who are in the habit of spending the people's money uselessly and teach them a lesson not to trifle with the money that belongs to the people in the manner in which they have done before. I am sorry, Sir, that I have to speak out, but I do feel that on this question, where public opinion entirely supports the view that has been taken by my Honourable friend, Mr. Seshagiri Ayyar, this House will have ill-deserved the trust that has been placed in us by our constituents if you go directly against the wishes of the people, if we flout their views and vote for going to Simla.

I share the surprise, Sir, that has been caused to my Honourable friend, Mr. Rangachariar, at the attitude that the Honourable Mr. Sarma has taken up on this question. I do not want to refer to it, but I do say that all the arguments that he has placed before us have, so far as I am concerned, proved absolutely unconvincing.

I have much pleasure in supporting the motion.

**The Honourable Mr. B. N. Sarma:** May I offer a word of explanation, Sir? I never expressed an opinion as regards the holding of meetings of the Legislative Council in Simla *versus* Delhi at any time, and, with regard to Madras, I say, the conditions were different and the points in issue were different.

**Dr. Nand Lal:** May I ask, Sir, for special permission to give replies to each and every argument which has been brought forward.

**The Honourable the President:** Order, order.

**Mr. Sachchidananda Sinha:** Sir, it seems to me that the discussion is rather going off the rails. If Mr. Rangachariar, whose patriotism and eloquence I much admire, had only kept to the proposition before the Assembly, he might have been able to assist us far better than by the speech which he has made. The proposition is simply this. The Government have

commenced the building of a Council Chamber at Simla which is to cost 10 lakhs of rupees and they have spent, I understand, about  $4\frac{1}{2}$  lakhs of rupees. They now come before us and ask for sanction for the remaining  $5\frac{1}{2}$  lakhs. My friend, Mr. Seshagiri Ayyar, taking advantage of this, raises a debate upon the desirability of holding the session of the Assembly in Simla or in Delhi. For my part, Sir, I deprecate an effort being made of that character on a proposition in the Budget. It has been urged that the question is an important one; I concede, it is. Let this matter be discussed thoroughly in the Assembly by way of a Resolution of general public interest, and then, if the Assembly after full discussion voted upon it, I am sure, the Government would respect the wishes of the Assembly. But when the Government come forward and say: 'Here we are building a Chamber for you and we have spent half the money, grant us the other half for its completion,' to raise a debate in that particular form does not seem to me very commendable.

I will put it to my Honourable friend, Mr. Seshagiri Ayyar, in this way. Supposing his proposition is accepted and the Assembly to-day decline to grant this money to the Government, what would be the effect of it? Is he prepared to maintain as a lawyer that constitutionally the Governor General would be debarred from summoning a session of the Assembly at Simla? If he contends that the Governor General will be debarred, then, surely, there is some force in his amendment, but, if the acceptance of the amendment will not debar Lord Reading from summoning a session of the Assembly at Simla, then, there is no point whatever in the amendment. Supposing we voted for this particular amendment and Lord Reading summoned a meeting of the Assembly at Simla in the old building or in some other building or even under a *shamiana*, will it be in our mouth to contend that the Governor General cannot do that. Certainly not. I, therefore, submit, Sir, that legally, the amendment, even if accepted by this Assembly, will not really concede to us the reform that Mr. Seshagiri Ayyar desires, or in any way conclude the matter. That being so, the only proposition is whether we shall vote this grant to enable the building to be completed, or whether we shall leave it roofless. My own feeling is, that the building, having been commenced, should be completed. If afterwards we decide that we shall not go to Simla at all but shall always meet at Delhi or some other place, I am sure the Government will be able to apply the building to some other purpose. There is no sense, I submit, in insisting that a building, half completed, shall remain roofless, and, therefore, without raising any larger issues, I would ask the House to vote the grant asked for.

**Sir Sydney Crookshank:** Sir, perhaps it will assist the Members of this Honourable Assembly if I just give them a few plain facts in connection with this case. They are as follows:

The Government of India has a certain amount of accommodation up in Simla and a certain amount down at Delhi, but at neither place is it sufficient for the whole of the offices of the Government of India. Later on, say in 5 years' time, if we are given more funds annually to accelerate the construction of the new Capital, or in 7 years' time if we continue at the present rate of about one crore a year, we shall have accommodation for the Government of India in Delhi. For the present it is more or less obligatory for the Government to be divided between Delhi and Simla, and as regards this particular motion I would point out, that so far as the Government of India are concerned, the building is required, whether it is occupied for the summer

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session of this House or not. In other words, at the present moment, in order to find sufficient accommodation for the offices of the Government of India we have to hire houses, for which we pay a rental of about one lakh of rupees per annum. Now, this particular building, as the Honourable Mr. Sarma pointed out to you, has been so designed that if it is not put into use for the summer session of the Legislative Assembly it would then be used for offices and in that way it would save a very large recurring expenditure which is now wasted in hiring houses in Simla.

Another point for consideration in connection with the motion before the House is, that I gathered from certain expressions which were used at a previous debate on the opening day of the Budget discussion that the Members of the Council of State were by no means satisfied with their present quarters in Metcalfe House. That dissatisfaction applied to cold weather conditions. Now, Sir, I would ask the Members of this House to put themselves in the position of the Members of the Council of State who would have to sit in their present Chamber which, we will say, is wholly unsuitable, though through no fault of the Public Works Department, I may add—during the hot weather months. I have already been asked to furnish re-designs and estimates for the reconstruction of the Council Chamber at Metcalfe House. As far as I can make out, that alone is an item of about one lakh of rupees; so that, if it is decided to hold the coming hot weather session of the two Chambers here, we have to set about spending another lakh of rupees on the Council of State Chamber, and also we should require to spend a considerable sum of money to make the Members more comfortable out at Raisina. This, in the time at our disposal, is not a practical proposition. As I pointed out, if you take it from a practical P. W. D. point of view, it will take a matter of 7 years to get ourselves settled down at Delhi. When that has been accomplished, there is apparently no reason at all why the sessions should not be held altogether in Delhi.

But for the time being it seems to me a practical suggestion that the summer session should be held at any rate for one year at Simla during the summer months in order to give the Public Works Department time to rebuild the Metcalfe House Council Chamber and complete the programme for the construction of quarters for Honourable Members out at Raisina. If it is decided by this Assembly, that the sessions should then take place in Delhi, the Chamber for which I have asked for the remaining six lakhs in order to complete it, will then be of extremely great value to the Government of India for accommodating their offices. As it is, if we were to stop work on the building now during the coming rains, the whole of that four lakhs of rupees would be practically thrown away. We should in ordinary common-sense require to temporarily roof over the unfinished portions of the building in order to protect them from the weather and if that be the case, we might just as well put a roof on which we could make good use of.

**Sardar Bahadur Gajjan Singh:** Sir, after the very convincing speech of the Honourable Mr. Sarma, the question raised by these motions must have been considered to be finally settled. His remarks were so convincing, that as far as these demands are concerned, this Assembly should most decidedly vote in support of them although it has been very strongly urged by Mr. Jamnadas Dwarkadas that the interest of the tax-payers require that we should refuse this grant and that we should teach a lesson to those who

have ill-spent the money. I beg leave to disagree with his view. I fail to understand how and in what way the tax-payer will be benefited if this grant were refused and how we will be able to teach any lesson to those who are responsible. No one alleges here for a moment that those who were responsible had no right to do what they did. There can be no doubt that they had a right to do it, and they have commenced the building. Now it is very obvious that it would be very unwise for this House to reject the demand for these buildings and give a chance to the world to say 'Here are the buildings standing without any roofs', and thus bring eternal disgrace upon this Assembly. As far as the question of Delhi and Simla is concerned, it was urged by the first speaker that there was no precedent in the whole world in favour of having two houses at two places. I am not quite convinced that precedents can be of very much use in a matter like this, which depends upon the circumstances, as has been rightly pointed out by Dr. Nand Lal. But even if precedents are required, I think we need not go far. It is a matter of common history that the Emperor Shah Jehan and Aurangzeb summered in Kashmir, not in Delhi, and similarly with the other Kings. So it is perfectly clear that from time immemorial, from the Mughal Emperors' time downwards, those Emperors could not do work in the scorching heat of Delhi.

I do not see how we are going to assist the tax-payers' interests by voting against Simla. In Simla as we all know crores and crores of rupees have been spent on various buildings, Viceregal Lodge, Secretariat and so forth. If Simla is abandoned this year or next year, as it is hinted, then that loss will be borne by the tax-payers, and those who vote against Simla will be held responsible for it. There is only one factor that determines the whole question. Nobody says that in Delhi and even perhaps in warmer climates you will not be able to work or that it will be impossible to work; nobody says that. The question is, whether you cannot do your work better in Simla; that is the point. In Benares, my friend had the advantage of sitting by the Ganges river; and he had the advantage of the breezes that blow there; and perhaps it may be said that here we have the Jumna close to us. But I do not know how many of those gentlemen who are opposed to Simla have actually seen Simla, though I dare say, many of them have and the others have not. The point is not realised that the Simla climate is decidedly far better suited for doing a lot of work. It is for this reason and for this reason alone, that the Government of India long long ago decided in favour of Simla. It is perfectly true, that in the old days heavy expenses were incurred; but since the railway connection with Simla, those expenses have been reduced to reasonable dimensions, and nobody should grudge these things when we consider the amount of work that can be done there and the amount of energy that can be applied to this very important work.

Therefore, Sir, as it is very late I do not want to inflict a very long speech on this Assembly. I shall conclude by saying, that Simla is decidedly more convenient, more healthy and more fit for doing better work, and as has been rightly pointed out by our Deputy President, there is absolutely nothing to prevent His Excellency the Governor General summoning a meeting there. Then, it was said, that property in Simla is rising in value. We would not suffer. We would be spending money for the benefit of the tax-payer if we grant this demand. Whether we spend 4 lakhs or 10 lakhs, it is quite possible that after two or three years we might be able to regain

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20 lakhs. For these reasons, I earnestly beg the members of this Assembly very strongly to vote in favour of Simla.

**Mr. Eardley Norton:** I rise to a point of order, Sir. I wish to know if Government will tell us definitely whether they intend to treat this as a vote on our exodus or as a vote on the money grant.

**Chaudhuri Shahab-ud-Din:** With the permission of the Chair, I may say that one of the members was permitted to move a Resolution whether the exodus to Simla should be stopped or not. Therefore, that is the first point to be decided, and the question of grant comes afterwards.

**Mr. Wali Mohamed Hussanally:** Sir, the time is up and there are many members who wish to speak on the subject, and I think this is not a question that should be rushed through.

**The Honourable the President:** Order, order, I think the Honourable Member better wait until he hears the answer of Government to the question put by Mr. Eardley Norton.

**The Honourable Sir William Vincent:** Sir, from the speech of the Honourable Dr. Sapru I thought it was clear that the real point for decision was whether the Legislative Session this year was to be held here or in Simla.

**Mir Asad Ali Khan Bahadur:** There is a separate motion for it, and this motion relates merely to the grant for building a Chamber in Simla, and so it must be decided whether this motion applies to it or also to the exodus.

**The Honourable Sir William Vincent:** Mr. Eardley Norton asked me what the view of the Government was. I understood from Mr. Seshagiri Ayyar's speech that he wanted to ask for a reduction of this demand as an indirect method of raising the whole question.

**Mr. Eardley Norton:** I am not quite sure which way Government intend to treat the question. Their decision may affect our votes.

**The Honourable Sir William Vincent:** Having regard to what Dr. Sapru has said, I think Government should treat the vote as a decision on the main question.

**Dr. Gour:** Only the general question should be treated, and that for this year.

**The Honourable the President:** I may point out for the information of this House, as a matter of procedure, that the motion brought forward by Dr. Gour was deliberately postponed on that basis.

**Mr. Harchandrai Vishindas:** Sir, it is rather unfair to the Assembly that the issues should have been mixed up, and the complaint made on this score is entirely justified, because so much pathos and eloquence has been thrown into the debate and so much sentiment has been expressed that anybody voting in favour of this motion will be branded as unpatriotic.

**The Honourable the President:** I put it to the Assembly that the matter can be met if the question of principle is decided by the Honourable Member merely putting a reduction of Rs. 500 instead of Rs. 5 lakhs. His question of principle will then be met and a separate vote can still be taken on the points put forward by Sir Sydney Crookshank.

**Mr. T. V. Seshagiri Ayyar:** Sir, I was just going to mention, before accepting the suggestion thrown out by you, that there is a good deal of misapprehension as regards this waste of money. What I said was that the Rs. 5,64,500 should not be spent upon this building as a Legislative Assembly Chamber. It has been pointed out by Sir Sydney Crookshank and by Sir William Vincent that the building is so designed that it can be utilised for other purposes. Therefore, if we veto the grant of money for the purpose of making it an Assembly Chamber, it will still be open to the Honourable the Finance Member to come to us and ask for a supplementary grant that the building may be so constructed as to be useful for other purposes. Consequently, there will not be in the least any waste of money. I think that point has been missed by every member who has spoken. I hope that Mr. Price is satisfied on this point; because the building is such that it can be used for other purposes and the Government, which is now renting buildings at a cost of Rs. 1,00,000, could come to us and say they want to build it and to use it for another purpose. The question of waste of money would not then arise.

But, Sir, as you have pointed out, I am willing that the principle should be debated now and am willing to reduce the amount; but I believe it is hardly worth while doing that in view of what I have just explained to the House.

**The Honourable Mr. Shafi:** Sir, with reference to the explanation given by Mr. Seshagiri Ayyar, may I point out that if the motion which is now before the House is accepted, the item of Rs. 5 lakhs drops out of the Budget altogether, so that there will not be a single pie left in the Budget to erect this building whether as an Assembly Chamber or as an office.

**The Honourable the President:** I understand the Honourable Member from Madras is ready to accept my suggestion that the vote of the Assembly be taken on a small reduction put as a matter of principle, and that that vote to be taken by the Government as an indication of the will of the Assembly.

The question is that leave be given to the Honourable Member to withdraw the motion as originally put.

The motion was adopted.

The question I now have to put is :

‘That the provision of Rs. 5,64,500 for building a Council Chamber for the Legislative Assembly in Simla be reduced by Rs. 100.’

**Mr. Harchandrai Vishindas:** I was saying, Sir, that the issue had been very much clouded by having matter brought into it which is not really germane. I specially take exception to Mr. Jamnadas’ remarks that we had better waste these Rs. 4 lakhs than accept the principle that we should migrate to Simla. I do not agree with him there at all. There is this aspect of the question to be looked at. I want to make it clear that by these remarks I should not be understood to be favouring the migration to Simla; but still, in fairness, there are certain considerations which should be borne in mind. If



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our predecessors were consulted by Sir Claude Hill, I think it was absolutely necessary for them to give their opinion at that time, and Mr. Jannadas is not justified in complaining that they sold us . . . .

**Mr. Jannadas Dwarkadas:** I never said that.

**Mr. Harchandrai Vishindas:** I was merely using a phrase, but what he said was 'let it be a lesson to somebody that such kind of waste should not be perpetrated'. I suppose that this particular aspect of the question has not been considered at all, that some provision had to be made in advance before we could find an opportunity of expressing our opinion on the subject. Now supposing that Government had not made any provision and this Assembly had come to the decision that we should continue the practice of migrating to Simla, what would have been the result? The result would have been that we should have given the Government a dressing down. We should have said—what is this? You have not looked ahead, you have not made enough provision for our stay in Simla, and the Government would then have been unable to give a satisfactory reply. They did not know that the Assembly were going to vote against Simla, and therefore I say that their action in the matter with regard to this part of the question was perfectly justified. Whatever our decision may be even if our ultimate decision is that we do not migrate to Simla, I say that the action of the Government in spending the money that has been spent in advance, after having consulted the authoritative bodies that existed before us, was perfectly right. That being so, I think that all those other considerations which have been brought forward, and all the pros and cons that have been discussed as regards Delhi *versus* Simla, do not arise.

I was hoping that after Sir William Vincent had proposed a very reasonable compromise, this Assembly would have been in a reasonable temper to accept that compromise without committing itself one way or the other to any decision; that in view of the fact that all this money has been spent already, we might at least accept the situation that this year we go to Simla and then afterwards, if the decision of the House is that the exodus should be knocked on the head, stay here. I myself think that that was a very good solution of the problem.

Now I think that it would have been more advantageous if a Resolution had been moved in this Assembly entirely dealing with this question as to whether it is desirable to migrate to Simla or not. As it is, the debate has already been diverted into a wrong channel and passions have been aroused, and appeals to patriotism have been made, and accusations have been launched like that by Mr. Rangachariar's that the Honourable Mr. Sarma had once belonged to the party which held one opinion, but now that he had become an official of Government, he held another. I think that sort of thing is quite unnecessary. And a good deal of this opinion has been created by the Press in large places like Bombay and Calcutta, and I am afraid that most of the opinions which have been expressed here in favour of remaining in Delhi have been influenced by the Press. This is a mistake, because I think we ought to have the courage of our own convictions—(cries of hear! hear!)—and we should not blindly be guided by laying too much stress upon what we see or read in the newspapers. We should not be afraid if we vote for migration to Simla of

what the Press will say, or whether they will give us a pouncing. This paper and that paper may come forward and say—‘Oh! so and so suggested that such and such a thing should be done; but why worry about what the Press says? Have the courage of your own convictions. The merits of the question have not been properly discussed. Is it advantageous to the tax-payer or to the country?’ That is the question.

The Honourable Mover started off by opening the debate and laying stress upon the question as to whether legislation should be carried on in the *heights* of Simla. The only apposite point he referred to—and several speakers have not even touched upon the question at all—was whether it would be of real advantage to the tax-payer, who, after all is the person who counts, and of real advantage to the country.

The only point that was made by Mr. Rangachariar was that when the Government were in the hills, they were not in touch with public opinion. Then Mr. Seshagiri Aiyer said that the Mesopotamia blunder would not perhaps have been perpetrated but for the migration of the Executive Government to Simla.

But that did not touch the issue at all because the question before us is not of the Executive Government having to go to Simla but the Legislative Assembly, and so far as the Legislative Assembly is concerned, it is not concerned with the Executive Government at all. So that argument is not relevant at all. Then it was also said that there is no newspaper in Simla. There is no ‘Independent,’ there is no ‘Leader,’ there is no ‘Statesman.’ What of that? Why cannot we have all these papers? Does anybody reasonably believe that we shall not be influenced by public opinion in Simla while we shall be influenced in Delhi? I cannot understand that argument at all. I complain, Sir, that on account of these false issues being raised, the whole debate has been diverted into wrong channels, and therefore we have not been able to give that cool, that calculating and unbiassed judgment to the question which it really deserves. The strongest speakers against Simla were Mr. Seshagiri Aiyer and Mr. Rangachariar. Mr. Rangachariar simply appealed to public opinion and appealed to the fact that by advocating the cause of Simla we would be surrendering our cause into the hands of the bureaucracy, but, beyond that vague complaint and protest, he did not go into the merits of the question to find out whether we would be serving the country or not. Of course, I do not deny that it will be possible to carry on the legislation of the Assembly in Delhi. Even Europeans have been living in the hottest parts of the country. That also is not the real issue. But for so many years business has been carried on in the hottest part of the year at Simla and other hill stations. Now, the real point is that you have to compare and decide which will be the better place to work in. There are two questions. One is the monetary question. Are we really causing a drain or overloading the tax-payer—the already burdened tax-payer—by this exodus to the hills or will the financial situation be exactly the same under both conditions? That is one question. The other question is, whether we will be serving the interests of efficiency by migrating to the hills. That is to say, what does not appear to you to be a direct and tangible gain will be an indirect gain in the long run. That was the point that was made by Dr. Nand Lal and some other gentlemen. I think it is quite obvious that if you work in a climate where you can work for a long time, where you can keep your head cool, then you will be turning out better work. Although the

[Mr. Harchandrai Vishindas.]

results will not appeal to you in a very visible form, but there will be indirect results in the long run. It is no argument to say that it is not impossible to work in the plains. Yes, it is possible to work in the plains, as it is possible to turn out bad work as against good work. That is also possible. Then, I submit, Sir, that for all these considerations it is in the interests of the tax-payer that we should legislate in the hills. The suggestion that was made that for five months at a stretch we can sit in Delhi, is one that has been, I think, very successfully refuted by Honourable Members, for you do not expect leisurely men to come here, but men of business who shall certainly devote part of their time to this business and the rest to their own. You will make the conditions very impracticable if you make people stay for six months at a stretch over legislation, and I think that will not be businesslike at all. That being so, if you have to do work for five or six months then, I think, the work will be more efficiently done if you have some part of the work transacted at Simla. Then, another question that was raised was that means of transportation, means of locomotion at Simla were very faulty. That is not correct. As Dr. Nand Lal pointed out, you do not require the services of motor cars and other conveyances there and you can also easily get rickshaws if you are not inclined to walk. Somebody suggested that it was 6 or 7 miles to the Council Chamber, but I think he was corrected by some Government member who pointed out that it was only one or two miles. If you are not able to walk, there are rickshaws. So the question about conveyances is also laid at rest. Then another question is—it has been pointed out by the Government members that they acted rather in an economical spirit in having spent this money in advance because the value of property in Simla, as we all know, has been rising by leaps and bounds. It would be unwise not to take the opportunity of any sale of property that is taking place there, because, if you really require that property, later on you are not going to get it for the same price. You will have to pay afterwards twice or three times the price. Therefore, if you once acquire the property, then even if you come to the decision that the property is not going to be utilised for the purpose originally intended, you can very easily sell the property at very great profit. Sir, I have now spoken to the question of principle, because it was intended that this question of principle should also be debated. To sum up, I think that we are yielding to the particular weakness of surrendering our own judgment to that of newspapers. Otherwise I do not see much force in the argument against migration to the hills. We should have the courage of our convictions.

Now, as regards the merits of Simla and the heat in Delhi, I think that when people talk of Delhi heat being such that people cannot work without sleeping and dozing, I might tell you that Simla at that time of the hot weather is a paradise. If I were to say what Delhi would be like at that time, if I were to call it by its proper name, I would be guilty of unparliamentary language. There will be rain; there will be heat and you will have to come 7 or 8 miles to the Council from your homes—I think the best plan for the Government would be to give a dose of Delhi summer heat to the Members here, only one dose, and then they will at once come round to the view that we should all go to Simla next year and bring a Resolution to that effect.

**Bhai Man Singh :** I rise to a point of order, Sir. My point is whether we can discuss the principle of the Assembly going to Simla. If we are to discuss that point, I should like to draw the attention of the Chair to the fact that already this question was raised in a certain Resolution by Mr. Rangachariar or by Mr. Subramayam, I do not remember the name of the Honourable gentleman. This question was discussed at that time and after a certain understanding the Resolution was withdrawn. Under the rules, when a certain point has been discussed in the Assembly, I do not think we can reopen the question this Session, and therefore I do not think we are now justified in discussing the question of principle whether the Legislative Assembly should hold its summer Session at Delhi or at Simla. It was agreed that this point should be discussed next year when the members have had some experience of Simla and Delhi. So I do not think we can discuss the question now.

**The Honourable the President :** Order, order. I think the discussion is quite in order.

**Rai J. N. Majumdar Bahadur :** Sir, I had no mind to speak at first. But after hearing my very judicious and learned friend Mr. Aiyar, and also my learned friend Mr. Rangachariar and Mr. Jammadas Dwarkadas I am tempted to speak. The three gentlemen, who are all old, laid much stress on public opinion in this country that these learned gentlemen who have come here should spend all their time here in Delhi although the heat may be so intolerable that nobody will live at that time. My friend Mr. Aiyar has no experience of Delhi's heat. He was telling me only the other day that if the Legislative Session continued in this manner, he did not think that he had made any bargain for one like that. Therefore, I say that if my friend who has no experience of Delhi comes here in the months of July or August, I think he will have to suffer a great deal. I have some experience of Delhi, Lahore, Rawalpindi and other places. I am not enamoured of Delhi or Simla. I would rather prefer my own village in the far interior of Bengal, and if I could, I would have a legislative house there. But the stars are against it, and Delhi's here, the Legislative Assembly is here, and for good or evil, the King has ordered that the Government should be at Delhi. At least for a generation we can never have the hope of removing this capital from Delhi. If I could, I would not remove it to Calcutta, but to Bombay, Madras, Nagpur, but never to Calcutta, for there will be difference of opinion. But, so far as Delhi is concerned, I mean the people of Delhi, they themselves are not very enamoured of it. Delhi is a very old city, and I had come here first in 1885, 1886, and again on the last Congress occasion, and I thought that Delhi had perhaps improved by the solicitude of the Imperial Government. But I must confess that Delhi is a place of malaria, I have had two attacks of malaria, and even now, I am with malaria. Therefore, I say that Delhi is not a place which I am enamoured of, nor am I enamoured of Simla.

Mr. Seshagiri Ayyar very soundly, and I have a great opinion for his sound judgment, says that the whole country is against it. Who will interpret the opinion of the country? There are certain newspapers who are against the Legislative Assembly itself. My friend, I should think, is a nominated member. Has he got the strength or the support of public opinion in his place to come to this House? Did not all the Madras papers, including the 'Hindu' and others denounce all those who offered themselves for election or

[Rai J. N. Majumdar Bahadur.]

who accepted nomination as traitors to the country? Therefore, I say that opinion outside the House should not be counted, but as Mr. Vishindas has said, we must have the courage of our conviction. Our friend, an eminent Judge of the High Court of Madras, did not deliver judgment looking to what the public would say, but he delivered judgment on the merits of each case. If we have to legislate here, we have to come to our decision upon the merits of each case, and not having regard to what the public opinion will say. There are some who say that the Members of the Legislative Assembly are really representative of the country, while there is a strong volume of opinion on the other hand, that the Members of the Legislative Assembly, whether elected, or non-elected or nominated, do not represent the country. Which is the public opinion? My friend Mr. Dwarkadas says that he wants to imitate the example of those who are outside the Council more than those inside. They live on four annas a day, travel third class and walk on foot. They do not drive in a motor car, no silk and chadar, no electric fans. That is the example of those outside the Council. I hope Mr. Dwarkadas will follow the example outside the House and live on four annas a day and travel third class. He wants the Legislative Assembly here in Delhi, but he wants the electric fans also. Do all these men outside the House have electric fans? My friend here pities at the sight of those who are not inside the House, but does he bear his own sight, because he wants all comforts and conveniences, ice-cream, electric fans and many other things in order to mitigate the heat of this place? Therefore, I say that this matter must not be decided on what the public opinion will say. I thought my Honourable friend Mr. Rangachariar was imitating Brutus in Julius Caesar. I cannot imitate either the judicial acumen of my friend Mr. Aiyar, or the incisive eloquence of Mr. Rangachariar, but I ask you to consider the question from a practical point of view. The matter has been taken up, already a building has been constructed.

I think my friend will agree with me that it will be far better for him to have brought this Resolution in a direct manner instead of, like a subtle and acute lawyer he is, of bringing it in an indirect manner and confounding the issue between this and the real point. We are perfectly at liberty to discuss this motion at any time. Let it be brought up in a regular manner. I am not for Simla or for Delhi. I am for my village home. What I say is let us keep an open mind on this matter and not adopt this Resolution, as I say, by a fluke.

**The Honourable the President:** The question is:

‘That the provision of Rs. 5,64,500 for a Council Chamber at Simla be reduced by Rs. 100.’

AYES—21.

Ayer, Sir Sivaswamy.  
Ayyar, Mr. T. V. Seshagiri.  
Bajpai, Mr. S. P.  
Chaudhuri, Mr. J.  
Dwarkadas, Mr. J.  
Girdhardas, Mr. N.  
Gour, Dr. H. S.  
Iswar Saran, Mr.  
Jatkar, Mr. B. H. R.  
Jejeebhoy, Sir Jamestjee.  
Misra, Mr. Pyari Lal.

Mudaliar, Mr. Sambanda.  
Mukherjee, Babu J. N.  
Neogy, Babu Khitish Chandra.  
Norton, Mr. Eardley.  
Price, Mr. E. L.  
Rangachariar, Mr. Tiruvenkata.  
Rao, Mr. P. V. Srinivasa.  
Reddiar, Mr. M. K.  
Samarth, Mr. N. M.  
Venkatapatiraju, Mr. B.

## NOES—67.

Abdulla, Mr. S. M.	Lakshmi Narayan Lal, Mr.
Abdul Quadir, Maulvi.	Latthe, Mr. A. B.
Afsar-ul-Mulk Akram Hussain, Prince.	Mahmood Schammad, Mr.
Agarwala, Lala G. L.	Mahomed Hussain, Mr. A. B.
Ahmed, Mr. K.	Majumdar, Mr. J. N.
Ahmed, Mr. Zahir-ud-din.	Man Singh Bhai.
Anjad Ali, Mr.	Maw, Mr. W. N.
Asjad-ul-lah, Maulvi Miyan.	McCarthy, Mr. Frank.
Bagde, Mr. K. G.	Mitter, Mr. D. K.
Barua, Srijut Debi Charan.	Muhammad Hussain, Mr. T.
Bhargava, Mr. J.	Muhammad Ismail, Mr. S.
Bryant, Mr. J. F.	Nand Lal, Dr.
Cotelingum, Mr. J. P.	Nag, Mr. Girish Chandra.
Crookshank, Sir Sydney.	Nayar, Mr. Kavalappera Muppil.
Dalal, Sardar B. A.	O'Donnell, Mr. S. P.
Dentith, Mr. A. W.	Pereival, Mr. P. E.
Faiyaz Khan, Mr. Muhammad.	Pyari Lall, Mr.
Fell, Sir Godfrey.	Rahman, Munshi Abdul.
Gajjan Singh, Mr.	Ramji, Mr. M.
Ghulam Sarwar Khan, Mr. Chaudhuri.	Renouf, Mr. W. C.
Gidney, Lt.-Col. H. A. J.	Sarfaraz Husain Khan, Mr.
Ginwala, Mr. P. P.	Shah, Mr. Rajan Baksh.
Gulab Singh, Sardar.	Shahani, Mr. S. C.
Ghulamjilani, Sardar.	Shahab-ud-Din, Mr. Chaudhri.
Habibullah, Mr. Mahomed.	Singh, Mr. Baidyanath.
Hajeebhoy, Mr. Mahomed.	Sinha, Mr. S.
Hullah, Mr. J.	Sircar, Mr. N. C.
Hussanally, Mr. W. M.	Sohan Lall Mr.
Hutchinson, Mr. H. N.	Spence, Mr. R. A.
Ikrasmullah Khan, Mr. Mirza Md.	Subzposh, Mr. S. M. Zahid Ali.
Innes, Mr. C. A.	Ujagar Singh, Baba Bedi.
Joshi, Mr. N. M.	Vishindas, Mr. Harchandrai.
Kabraji, Mr. J. K. N.	Waghorn, Colonel W. D.
Keith, Mr. W. J.	

The motion was negatived.

**The Honourable the President:** Do I understand that Dr. Gour wishes to continue the discussion on amendment No. 20 in the agenda?

**Dr. H. S. Gour:** No, Sir.

Amendment No. 20:

‘That the provision of Rs. 74,000 for the extension of Longwood Hotel, Simla, be omitted (page 207)’

was, by leave of the Assembly, withdrawn.

Amendment No. 21:

‘That the sum of Rs. 1,12,000 provided for quarters for the non-official Members of the Council be omitted’

was also, by leave of the Assembly, withdrawn; as also Nos. 22 and 23, respectively:

No. 22. ‘That the provision of the sum of Rs. 5,64,500 for building a Council Chamber for the Legislative Assembly in Simla be omitted;’ and

No. 23. ‘That the provision of Rs. 5,64,500 for a Council Chamber at Simla be omitted.’

**Mr. T. V. Seshagiri Iyer:** I withdraw the next motion standing in my name.\*

The motion was, by leave of the Assembly, withdrawn.

**Rao Bahadur T. Rangachariar:** I withdraw my motion†, Sir.

The motion was, by leave of the Assembly, withdrawn.

**The Honourable the resident:** The question is :

‘That a sum not exceeding Rs. 1,19,50,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 for ‘Civil Works.’

The motion was adopted.

The Assembly then adjourned till Tuesday, the 15th March 1921.

\* ‘That the provision for Rs. 59,000 for adding a second storey to the office of the Deputy Accountant General, Nagpur, be omitted.’

† ‘That the demand under head Civil Works (No. 43) be reduced by 6 lakhs.’

# LEGISLATIVE ASSEMBLY.

*Tuesday, 15th March, 1921.*

The Assembly met in the Assembly Chamber at Eleven of the Clock. The Honourable the President was in the Chair.

## QUESTIONS AND ANSWERS.

### PREPARATION OF RECORDS IN CIVIL APPEALS.

466. **Babu K. C. Neogy**: Is it a fact that the Judicial Committee of the Privy Council has recently suggested the adoption of certain methods as regards the system of preparation of the records in civil appeals, as stated by Mr. N. G. A. Edgley, Registrar, in his edition of the Calcutta High Court Rules, Appellate Side? Will Government be pleased to state the purport of the communications that may have been received from the Privy Council or the India Office relating to this subject?

**Mr. S. P. O'Donnell**: The answer to the first part of the question is in the affirmative. As the Honourable Member is, doubtless, aware, the delays in the prosecution of appeals to the Privy Council have been the subject of much adverse comment by the Judicial Committee for many years. Apart from causes due to the dilatory method in which the various legal steps necessary for the prosecution of an appeal are taken, one of the main causes of delay has been found to be in the printing of the paper books. As regards these, their Lordships of the Privy Council suggested that records in all appeals to Appellate Courts in India, which were likely to come before the Privy Council, should be printed in Privy Council form so as to avoid reprinting the book if the case comes before the Privy Council. Their Lordships pointed out that it was of the utmost importance that the paper book should be accurately prepared, and they, therefore, stated that they considered that they should be prepared under the direct supervision of the Officers of the Appellate Court. They also made several detailed recommendations regarding the binding, the quality of paper, the documents which should be included in the book and the order in which they should be printed and arranged in the record.

A statement of the measures taken to minimise the delays in these appeals was given in the Indian Legislative Council on the 20th of August 1920 by Sir William Vincent when he introduced the Bill to amend the Indian Limitation Act of 1908 and the Code of Civil Procedure, which has since become law as Act No. XXVI of 1920, and this question was then referred to.

### RECRUITMENT OF JUDICIAL OFFICERS.

467. **Mr. Sachchidananda Sinha**: (a) Will Government be pleased to state the extent to which, if any, the recommendations of the Royal Commission on Public Services in regard to the recruitment of Judicial Officers direct from the ranks of practising lawyers have been carried out?

(b) Are there any rules on the subject in the various Provinces promulgated by the Government of India or the Local Government? If so, will Government be pleased to lay copies of them on the table? If not, why not?



**Mr. S. P. O'Donnell :** The Honourable Member is referred to the answer given to the similar question asked by Khan Bahadur Saiyid Muhammad Ismail on the 15th February 1921.

The Government of India have issued no rules or orders on the subject beyond those contained in paragraph 11 of the Home Department Resolution No. 2559, dated the 1st December 1920, a\* copy of which is laid on the table.

#### DEPUTY SUPERINTENDENTS OF POLICE.

468. **Mr. Sachchidananda Sinha :** (a) Did not the Police Commission—presided over by the late Sir Andrew Fraser—recommend that the 'Deputy Superintendent . . . should have the same departmental status as assistants' (page 50, paragraph 66) and that 'the Deputy Superintendents should have precisely the same departmental status as assistants' (page 52, paragraph 69), and did not the Government in accepting this recommendation lay it down that 'their functions and their departmental status will be similar to those of Assistant Superintendents'?

(b) If so, have the status and functions of Deputy Superintendents of Police been in practice the same as, or similar to that of, the Assistant Superintendents? If not, why not?

(c) Did not the Government lay down in their Resolution on the Police Commission's Report that Deputy Superintendents 'will furnish the source from which Indian District Superintendents will eventually be drawn' and that they 'will be eligible for promotion to district charges where their fitness is fully established' (page 15)?

(d) If so, are Deputy Superintendents in actual practice eligible to the same extent as the Assistant Superintendents for promotion to the headship of the Police in the district? If not, why not?

(e) Are Government aware that there is very great discontent in the ranks of the Deputy Superintendents owing to the differential treatment meted out to them as compared with that of the Assistant Superintendents in the matter of pay, status, functions and promotion to the headship of the district? If so, what action, if any, do Government propose to take?

(f) Will Government be pleased to lay on the table a statement showing year by year the number, in each province, of District Superintendents promoted from the ranks of Assistants and Deputies, respectively, since the constitution of these two ranks in the service? If not, why not?

**Mr. S. P. O'Donnell :** (a) The answer is in the affirmative.

(b) Complaints have been made from time to time that important duties on the executive side are allotted to Assistant Superintendents, while Deputy Superintendents are employed to render assistance in office work only. The matter was referred to in the report of the Public Services Commission which sat in 1912. As a result of the consideration of that report Local Governments were requested to give the Deputy Superintendents a fair share of executive duties and responsibilities. The reports received show that effect is being given to these orders.

(c) The answer is in the affirmative, except that the Resolution did not say 'will eventually be drawn,' but 'may eventually be drawn.'

(d) The answer is in the negative. Officers of the Provincial Service are eligible for promotion to a percentage of the superior appointments, but the distinction between the Provincial Service and the Imperial Service has not been abrogated. It is based on a difference in the class of work for which the officers of the two services are recruited.

(e) Memorials have been received from Officers of Provincial Police Services expressing dissatisfaction with certain conditions of their service. The memorials are at present under the consideration of Government.

(f) The information asked for is not available, but I may mention that up to the present year, when the new system of recruitment under which recruitment for 11 per cent. of the superior appointments will be made from the Provincial Service is to come into force, recruitment to the Indian Police Service by promotion of Deputy Superintendents has been limited to 5 per cent. of the total number of superior appointments in each Province. If the Honourable Member wishes, the detailed information for which he asks will be collected from Local Governments.

#### EXPENDITURE FOR REFORMS SCHEME.

469. **Mr. Sachchidananda Sinha :** (a) Will Government be pleased to state the actual or approximate amount of expenditure to be incurred in connection with the introduction of the Reform Scheme?

(b) Will Government place on the table detailed statements of the said expenditure separately for the Indian Legislatures and the Provincial Legislatures and also for the emoluments of the various office-holders in the Government of India and the Provincial Governments appointed in consequence of the inauguration of the Reforms and of those others appointed in the various departments to enable the Indian and Provincial Governments to cope with the work incidental to, or consequential on, the promulgation of the Reforms?

**Mr. S. P. O'Donnell :** I would refer the Honourable Member to the replies given by the Honourable Sir William Vincent to similar questions\* asked in the Council of State on February 14th and 16th, respectively, by the Honourable Raja Promada Nath Roy and the Honourable Mr. G. M. Bhurgri.

**Mr. Sachchidananda Sinha :** Is the Honourable Member aware that the information supplied in the Council of State could not be complete and up to date as the salaries of several important offices were not settled at the time?

**Mr. S. P. O'Donnell :** I shall have the information brought up to date.

#### EXPENSES OF GOVERNMENT DEPARTMENTS.

470. **Mr. Sachchidananda Sinha :** (a) Is it a fact that since 1914 there has been nothing but increase in the expenses of the various departments of the Government of India and of the Provincial Governments?

(b) If the answer be in the negative, will Government be pleased to state the name or names of the department or departments of the Indian or any Provincial Governments in which there has been a decrease?

(c) If the answer to clause (a) be in the affirmative, have Government formulated or in contemplation any scheme for economy and retrenchment? If not, why not?

\**Fide* pages 39 and 80, respectively, of the Council of State Debates, Volume I, Nos. 3 and 4.

**The Honourable Mr. W. M. Hailey:** I would suggest that the portion of this question concerning Provincial Governments should be put to those Governments. As to (a) it is a fact that since 1914 the Government of India's own expenditure has increased in each department. With regard to part (c) I would draw the Honourable Member's attention to my answer to question \*No. 417 on the 8th March 1921 in this Assembly.

#### REVISED SCALE OF PAY AND PENSIONS.

471. **Mr. Sachchidananda Sinha:** (a) Will Government be pleased to state the exact or approximate additional cost involved owing to the revised scale of pay and pensions for both the civil and military services over and above that of Rs. 60,68,60,000 which was mentioned in the Imperial Legislative Council on the 16th of September last in reply to a question of mine?

(b) Which departments, if any, have since received the benefits of the recommendations of the Royal Commission on Public Services and which, if any, still remain unbenefited? Why has the case of the latter been so far delayed?

**The Honourable Mr. W. M. Hailey:** (a) The amount of additional cost given in the answer of 16th September last was Rs. 6,68,60,000. The figure Rs. 60,68,60,000 in the proceedings is a printer's error. As regards the additional cost of the services referred to in Appendix A to that answer about which information was not then available, proposals for the Women's Educational Service involve an additional cost of about Rs. 1,25,000. As regards the remaining services complete information is not available, but an additional cost of Rs. 90,000 has been incurred by revisions of the pay of the Registration Department in Bengal and Madras and Rs. 40,000 for the superior appointments under Salt and Excise in Bombay and the Central Provinces. As regards the Provincial Medical Services, the Local Governments have been left to fix their own scales and have not yet reported the additional cost. The approximate additional cost per annum involved in the revised scales of pay and pension of the services mentioned in part (a) of that answer on which orders have since been passed, is as follows:

<i>Pay.</i>	<i>Rs.</i>
Survey of India Department . . . . .	92,000
<i>Pension.</i>	
Bengal Pilot Service . . . . .	72,000

As regards military services, attention is invited to the concluding sentences of the reply given by me to a similar question by Honourable Mr. Bhupatiraju Venkatapattiraju Garu on the 17th February 1921.

(b) The following Departments have received the benefit of the recommendations of the Public Services Commission since 16th September 1920:

<i>Pay.</i>
Survey of India Department.
<i>Pension.</i>
Bengal Pilot Service.

\*Vide page 719 of Volume I, No. 9, of the Legislative Assembly Debates.

The following officers still remain unbenefited by those recommendations :

*Pay.*

Postmasters-General.

Future non-Indian Medical Service entrants to the Bacteriological and Sanitary Departments.

As regards Postmasters-General, the Secretary of State's orders have been received, but orders are still awaited on a point of detail which has recently been referred to him. The pay of non-Indian Medical Service Officers of the Bacteriological Department has been increased by 33½ per cent. as a measure of temporary relief; and Local Governments have been permitted to grant at their discretion similar increases to the non-Indian Medical Service officers in the Provincial Sanitary Departments. The delay in arriving at a final decision regarding the terms and conditions of service of those officers has been due to the uncertainty about the rates of pay which would be finally fixed for officers of the Indian Medical Service in civil employment.

REPORT OF THE COMMITTEE ON MEDICAL SERVICES.

472. **Mr. Sachchidananda Sinha :** (a) Are Government aware that several recommendations in the Report of the Committee on Medical Services presided over by Sir Verney Lovett have caused grave dissatisfaction to the Indian public, and that they have been the subject of animadversion in the Resolutions of various public bodies and in the comments of leading organs of Indian public opinion?

(b) Will Government be pleased to vouchsafe the information as to whether they have sent to the Secretary of State any despatch on the recommendations embodied in the said Report? If so, is the despatch going to be published before the final orders are passed on the Report? If not, why not?

**Sir Godfrey Fell :** (a) Government are aware that certain of the recommendations of the Medical Services Committee have been the subject of adverse comment in the Indian Press. Certain medical associations have been asked for their views on the Report. So far two associations have communicated their views, and when all have been received they will be sent to the Secretary of State for his consideration. Only one Resolution—from a Provincial Medical Services Association—has been received, commenting adversely on the report of the Medical Services Committee.

(b) The answer to the first part is in the affirmative. Government do not propose to publish the despatch. The report was published some months ago and ample time has therefore been given for those interested in the subject to consider it. Government will transmit to the Secretary of State any representations regarding the Report which may be made to them by public bodies, provided that they are received within a reasonable time.

INCREASE OF CRIME IN THE FRONTIER PROVINCE.

473. **Mr. Sachchidananda Sinha :** (a) Is it correct, as alleged in the *Tribune* of Lahore, that 'there has been practically a steady increase of crime in the Frontier Province since the partition of the Punjab', and that

‘there was greater security of life and property when the Frontier Province was part of the Punjab than there is now?’

(b) If the answer be in the negative, will Government be pleased to lay on the table statements showing the number of offences committed in the districts now constituting the Frontier Province and also border raids on them and the offences committed in the course of those raids in the ten years previous to the formation of the Province and the years since? If not, why not?

**The Honourable Dr. T. B. Sapru:** (on behalf of the Honourable Mr. Denys Bray) : (a) Government believe the reverse to be the case. The Honourable Member will no doubt appreciate that the conditions during the last 20 months have been abnormal owing to the aftermath of frontier trouble set up by the Afghan war.

(b) As statistics for the ten years previous to the formation of the North-West Frontier Province are not available, a comparative statement cannot be furnished.

#### OFFICIAL TERMINATION OF WAR.

474. **Mr. Sachchidananda Sinha:** (a) Has the war been officially declared to have come to an end? If so, from what date? If not, when may the declaration of its having ended be expected?

(b) Will Government be pleased to state the name or names of the Act or Acts that will expire in British India after six months from the date of the declaration of the termination of the war?

**The Honourable Dr. T. B. Sapru:** I would invite the Honourable Member's attention to the reply given by the Honourable Mr. Moncrieff Smith to his question at the Council meeting held in Delhi on the 18th February 1920. The replies to his present question are:

(a) His Majesty in Council has declared that the war as between Great Britain and the undermentioned States terminated on the dates specified:

Germany	.	.	.	.	.	.	On the 10th January 1920.
Austria	:	:	:	:	:	:	On the 16th July 1920.
Bulgaria	.	.	.	.	.	.	On the 9th August 1920.

As far as we know at present the Treaties of Peace with Hungary and Turkey are still unratified. When the last of these unratified Treaties is ratified, it will be possible for His Majesty in Council to declare the date of the termination of the present war, which date will, under section 2 of the Termination of the Present War (Definition) Act, 1919, be treated as the date of termination of the war for the purposes of Indian enactments, and of contracts, deeds or other instruments.

(b) A\* list of the enactments which will (unless further continued by legislation) expire at the end of six months from the date of the official termination of the war is laid on the table.

The following enactments will remain in force for a period of six months from the date of the official declaration of the termination of the war:

#### *Acts.*

1. The Emergency Legislation Continuance Act, 1915 (I of 1915).

2. The Defence of India (Criminal Law Amendment) Act, 1915 (IV of 1915).
3. The Enemy Trading Act, 1915 (XIV of 1915).
4. The Defence of India (Amendment) Act, 1916 (II of 1916).
5. The Foreigners' (Trial by Court-martial) Act, 1916 (III of 1916).
6. The Enemy Trading Act, 1916 (X of 1916).
7. The Indian Bills of Exchange Act, 1916 (XIV of 1916).
8. The Indian Bills of Exchange (Amendment) Act, 1917 (IX of 1917).
9. The Gold (Import) Act, 1917 (XXII of 1917).
10. The Gold Coinage Act, 1918 (XIV of 1918).
11. The Enemy Trading Orders (Validation) Act, 1918 (XV of 1918).

*Ordinances.*

12. The Indian Naval and Military News (Emergency) Ordinance, 1914 (I of 1914).
13. The Impressment of Vessels Ordinance, 1914 (II of 1914).
14. The Foreigners Ordinance, 1914 (III of 1914).
15. The Ingress into India Ordinance, 1914 (V of 1914).
16. The Commercial Intercourse with Enemies Ordinance, 1914 (VI of 1914).
17. The Foreigners (Amendment) Ordinance, 1914 (VII of 1914).
18. The Foreigners (Further Amendment) Ordinance, 1914 (VIII of 1914).
19. The Articles of Commerce Ordinance, 1914 (IX of 1914).

PENDING CASES IN HIGH COURTS.

475. **Mr. Sachchidananda Sinha:** (a) Will Government be pleased to lay on the table a statement showing the number of pending cases on the 31st of December 1920, in the various High Courts, filed, during each of the last three years (1918—1920) under the separate heads of first appeals from decrees, execution first appeals, first appeals from orders, second appeals, civil revisions, and civil miscellaneous applications?

(b) Where the subsisting arrears are of 1918, do Government propose to appoint additional Judges to clear them off? If not, why not?

**Mr. S. P. O'Donnell:** A statement giving the information required for the years 1918 and 1919 so far as the Calcutta High Court is concerned is laid on the table. Complete figures for 1920 are not available, but will be obtained from the High Court if the Honourable Member so desires. I may add, however, that the Government of India are already considering certain proposals for clearing off the arrears which have accumulated in the Court. As regards the other High Courts the Government of India are not primarily concerned; and information regarding them should be sought in the local Legislative Council concerned.

*Statement showing the number of the pending cases on the 31st December 1919 in the High Court, Calcutta, filed during each of the years 1918 and 1919 under certain heads.*

Year.	First appeals from decrees.	Execution first appeals.	First appeals from orders.	Second appeals.	Civil revisions.	Civil miscellaneous applications.	REMARKS.
1918 . .	205	5	16 (a)	1,248	2	20	(a) These include figures in column 3.
1919 . .	295	34	146 (a)	2,178	172	205	

#### GOVERNMENT OF INDIA SECRETARIAT EMPLOYEES.

476. **Mr. Sachchidananda Sinha :** (a) Will the Government be pleased to lay on the table a statement showing separately the total number of Indians, Europeans and Anglo-Indians employed on the 1st of January 1921 in each of the departments of the Government of India Secretariat, drawing a salary of not less than Rs. 25 per mensem, and further showing in the case of the Indian employees the numbers belonging to each province?

(b) Will Government also lay on the table the rules in force relating to employment of the staff in the various departments of the Government of India?

**Mr. S. P. O'Donnell :** (a) A statement giving the information required as regards the staff employed on the 1st January 1920 was laid on the table of the Indian Legislative Council on the 22nd March 1920. I will give the Honourable Member a copy and if he so desires, it will be corrected to 1st January 1921.

(b) Recruitment is effected through the Staff Selection Board recently constituted. The Board hold qualifying examinations and a copy of the rules framed by the Board will be given to the Honourable Member.

#### TRIBUNE'S APPEAL BEFORE THE PRIVY COUNCIL.

477. **Mr. Sachchidananda Sinha :** (a) Has the attention of Government been drawn to the proceedings before the Privy Council during the hearing of the appeal of the editor of the *Tribune* of Lahore, in the course of which it is reported to have been stated by the Counsel for the Crown, Sir Erle Richards, in reply to a question of Viscount Cave, that the fine imposed on the appellant 'has been refunded'?

(b) Are Government aware that the said statement of Sir Erle Richards has been challenged by the *Tribune* which has declared that 'neither the editor of the *Tribune* on whose behalf the fine was paid, nor his Counsel through whom it was paid, nor finally the trustees of the *Tribune* who did pay the fine, know anything about the matter'?

(c) Are Government aware that the said statement has formed the subject of adverse comment in the Indian Press as reflecting upon the integrity and airness of the Crown?

(d) Do Government propose to remove the misapprehension on the subject by a statement as to whether Sir Erle Richards' assurance to Viscount Cave was, at the time it was made, correct or otherwise? If not, why not?

**Mr. S. P. O'Donnell:** (a), (b) and (c). Yes.

(d) The Government of India issued orders to the Government of the Punjab, directing that the fine should be refunded. The Secretary of State was informed of this and the statement before the Privy Council, which implied that the order of refund had been given effect to was no doubt based on the intimation sent to the Secretary of State. Actually the fine was not refunded till a later date because in the interval there was correspondence between the Local Government and the Government of India, which led to delay in the issue of orders for the remission of the fine by the Punjab Government.

#### THE HONOURS LIST.

478. **Mr. Sachchidananda Sinha:** (a) Has the attention of Government been drawn to the following editorial observations of the *Times of India* in the course of an article headed 'The Honours List' in its issue of January 4th, 1921:—'If the recently established English practice of stating the reason for which the honour is awarded were to be introduced into India, the public might gain enlightenment on the subject which at present cannot always be given by the Press'?

(b) Is the statement in the above passage about the British Government's practice correct? If so, do Government propose to introduce similar practice here? If not, why not?

**Mr. S. P. O'Donnell** (on behalf of the Honourable Sir John Wood): (a). No.

(b) A reference to the second Supplement to the *London Gazette*, dated Friday, 31st December 1920, shows that the practice in the matter is not uniform, reasons being given in some cases and not in others.

Honours and Orders, except the Indian Titles granted by the Viceroy and Governor General, are granted by the King; and publication of conferments is made primarily by the Central Chancery of the Orders of Knighthood in the *London Gazette*. The entries in that Gazette regarding persons in India are published in the *Gazette of India*. A comparison of the second Supplement to the *London Gazette*, dated Friday, 31st December 1920, with the *Gazette of India Extraordinary*, dated Saturday, 1st January 1921, shows that where reasons for conferment were given in the primary authority, they were repeated in the *Gazette of India*.

It is not proposed to give reasons in the notifications dealing with Indian Titles (e.g., Khan Sahib, Rai Sahib, etc.) conferred by the Viceroy and Governor General and published only in the *Gazette of India*. Owing to the length of the lists reasons could only be given in very general terms such as 'for public service'. Entries of this nature would not materially enlighten persons previously unacquainted with the recipient.

**Mr. B. Venkatapatiraju:** May I ask, Sir, whether it is not possible to abolish these Honours Lists altogether?

**Mr. S. P. O'Donnell:** The answer is in the negative.



## ANNUAL REPORT OF THE CHIEF INSPECTOR OF MINES.

479. **Mr. Sachchidananda Sinha :** (a) Has the attention of Government been drawn to the latest annual report by the Chief Inspector of Mines showing that, in 1919, in the mines regulated by the Mines Act, there were 252 fatal incidents which was 43 more than in 1918 and 84 more than the average of the preceding five years—and that they involved a loss of 312 lives, which could have been avoided by closer and more skilled supervision ?

(b) Do Government propose to consider the question of more stringent legislation to obviate the chances of accidents in mines ? If not, why not ?

**The Honourable Sir Thomas Holland :** (a) Yes, the figures quoted are correct, but the Chief Inspector of Mines was of opinion that only a portion of the accidents and not all, as suggested in the question, could have been avoided by closer and more-skilled supervision on the part of the Mine officials.

In a paper by Mr. R. R. Simpson on Accidents in Indian Mines and Mining Legislation he classifies the results obtained for the years 1915 to 1919, as follows :

Due to misadventure . . . .	50 per cent.
Due to fault of the killed . . . .	31 ..
Due to fault of fellow workmen . . . .	6 ..
Due to fault of subordinate officials . . . .	4 ..
Due to fault of management . . . .	9 ..

(b) The question of a review of the regulations, that at present govern coal-mining operations, is already being examined. The increasing depth of Indian mines, the more frequent occurrences of fire-damp and the rapidly extending use of power and electrically driven machinery have altered the general position, and the Government of India are considering proposals for so amending the regulations as to adapt them to modern mining practice. It is believed that new legislation will not be required for this purpose, but that the rule-making power conferred by the present law will be sufficient for introducing necessary amendments.

## POLITICAL SECTION OF THE HOME DEPARTMENT.

480. **Mr. Sachchidananda Sinha :** (a) Is there any section in the Home Department known as 'Political' ? If so, when was it established, and what is the nature of the business transacted in it ?

(b) Is it a fact that it is almost entirely staffed by non-Indians ? Will Government be pleased to state the number of the European, Anglo-Indian and Indian clerks in this section of the Home Department ?

(c) If the number of Indian clerks be small out of all proportion to the total number of clerks in this section, do Government propose to increase their number ? If not, why not ?

**Mr. S. P. O'Donnell :** (a) Yes. It was established in 1907 and deals with secret and confidential work of a political nature.

(b) Yes; the total strength is 14 Europeans and Anglo-Indians.

(c) The Honourable Member is referred to the answer given to the question of Sir Sivaswamy Aiyer on the same subject on the 10th instant.

#### RESIDENT CLERKS.

481. **Mr. Sachchidananda Sinha :** (a) Are clerks in any of the departments of the Government of India known as resident clerks? If so, in which of them? Why are they so called and what are those special duties entrusted to them which differentiate them from other clerks? Do they receive any extra allowances or enjoy privileges not shared by other clerks? If so, what are these? When was the system of employing resident clerks first introduced and why?

(b) Will Government be pleased to place on the table a statement showing the total number of resident clerks in each of the departments, as also the numbers of these posts held respectively by Europeans, Anglo-Indians and Indians?

(c) If the number of Indian resident clerks be small out of all proportion to the total number, do Government propose to increase their number? If not, why not?

**Mr. S. P. O'Donnell :** (a) Resident Clerks are employed in the Home and Foreign and Political Departments. They are called Resident Clerks because they sleep in office and are on night duty. They come on duty at 4-30 P.M. and remain till office reopens next morning. They attend to all urgent and immediate work that comes in between these hours, and decode and encode cipher telegrams received and issued after ordinary office hours. In the Home Department there are two Resident Clerks who take weekly turns of duty. They receive Rs. 5 per night on duty in addition to their pay on the regular staff. During the weeks off duty they are employed in ordinary office work. The system was introduced in June 1918 in order to relieve the Registrar and Superintendent, Political Section. These officers were already overburdened with work by day and could not be expected to do night work in addition. Information regarding the Resident Clerks in the Foreign and Political Department is awaited and for that reason (b) and (c) of the Honourable Member's question cannot be answered now, but full information will be communicated as soon as possible.

**The Honourable the President :** In order to meet the almost universal desire of Members of this Assembly, and subject to the orders of His Excellency the Governor General, I propose to set down Saturday, the 26th instant, as an extra day for non-official business, that is to say, for dealing with Bills and Resolutions. The day itself will not be a full Session of the Assembly. I hope that Members will realise that to sit from 11 till 5 on every day, as was done during last week and this week, imposes an intolerable strain on the officials of the Legislative Department.

I therefore propose that business be brought to a close at 2 P.M. on that day.

The ballot for Bills and Resolutions will, subject to the same condition, be held in this Chamber on the 19th instant. A circular will be issued to Members informing them fully of the conditions.

THE BUDGET—LIST OF DEMANDS—*contd.*SECOND STAGE—*contd.**Expenditure from Revenue—contd.*

**The Honourable Mr. W. M. Hailey :** Sir, I beg to move :

‘That a sum not exceeding Rs. 25,70,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st March, 1922, in respect of Superannuation Allowances and Pensions.’

The motion was adopted.

**The Honourable Sir Thomas Holland :** Sir, I beg to move :

‘That a sum not exceeding Rs. 1,49,12,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st March, 1922, in respect of Stationery and Printing.’

**Sir Frank Carter :** Sir, the motion which stands in my name runs as follows :

‘That the demand under Printing and Stationery be reduced by Rs. 10,00,000.’

The total Budget estimate voted for the coming year is Rs. 1,49,12,000 in respect of Stationery and Printing. That is a reduction of about Rs. 6,00,000 on the revised estimate of last year. The figures for India are Rs. 1,21,28,000 against Rs. 1,24,67,000 for last year. I see that the amount budgetted for printing is roughly Rs. 38,00,000, which seems to me to be an extremely high figure, and I hope that the Government will be able to make some reduction. The balance, Rs. 83,00,000, is the sum to be expended in stationery only.

Now, Sir, I put it to this House, do they think that amount is excessive? Personally, I am astounded at the figures. I see a heading under ‘Stationery’—Purchased in the country—Rs. 9,800,’ but I cannot think that this amount only will be spent on stationery purchased in this country. I would suggest that in preparing these Budget Heads for the House, some consideration should be given to Honourable Members who desire information.

In referring to Appendix B on Stationery and Printing, I see that Rs. 62,90,000 worth is to be bought in India, and Rs. 17,19,000 from England. I would ask the Honourable Member in charge whether so much stationery must be got from England and whether more cannot be purchased in this country. We have had a Stores Committee here and Sir Thomas Holland told us only the other day that the paper manufacturing industry in India is the largest item of stationery expenditure. I may say that that was what I thought it ought to be, but certainly nothing in this Demand No. 45 shows it.

I accept most gratefully the very frank admission of Government as to their desire to effect economy. It is surely obvious that this is a matter which concerns the Government as well as the Assembly, and any proposals that are likely to lead to that end will, I am sure, be welcomed by all of us. As the result of my own experience, extending over 31 years, I am convinced by what I saw in Simla last year and during my six weeks stay in Delhi this year, that there is a great wastage going on in connection with office materials. I am particularly interested in the subject myself because during the last two years

in the firm with which I was connected, we have taken steps to reduce our own expenditure and, I may say, with very great success.

I admit that there is a considerable difference between commercial firms and a Government in connection with general organisation. The size of the Government of India and the fact that there is no continuity of service by officials. Official economy, however, ought to be common to both. Sir Thomas Holland said that measures for securing further economy have been for some months under special examination. I can assure the Government that to leave this question to a Finance Committee—to which, I may say in passing, no European Member has been appointed—is not sufficient, and the necessary economy will not be effected in that way. On this question of Printing and Stationery a sum of one and a half crores is involved. This is even more than the sum under 'Civil Works' for the year. Can the Finance Committee look after the issue of, and effect the control of, such small things as blotting paper, ink, pen-holders, nibs, etc.? I am sure they cannot. May I also ask what steps are being taken to prevent theft? We all know that duffries and such like are very keen on paper and nibs, and they bag them from the office more often than not.

The members of the Finance Committee will probably be the first to admit that they are not sufficiently experienced to enable them to deal efficiently with the details of this subject. It is also obvious that the higher officials of Government have neither the time nor possibly the inclination to give due thought to the subject. Whatever the reasons may be, however, the fact remains that, judging from these figures, effective control is actually wanting. Judging from the statements made by the Finance Member at the close of the proceedings of the 8th instant and the answers given to this Assembly on the same subject, it would appear that the Inspector of Office Procedure is a man of great experience and one who, I think, should be asked to help in reducing the expenditure on Demand No. 45. I do not see why Government should not avail themselves of the services of this officer in this respect. No new expenditure will be involved. The control of all office material should, I think, be placed in his hands. I would also suggest that a certain sum should be allotted for printing and stationery to each department, and that each department should be responsible for that sum. In addition, very considerable savings could, I am sure, be effected if single sheets were used instead of double, and cheaper envelopes in tead of the thick expensive covers, and the enormously big envelopes which are sent out with very small communications in them. I should like to ask also what is done with the waste paper and the old records. Are these sold to paper mills or are they sent to the incinerator? The incinerator appears to work pretty well all day and most of the night. Both in America and Europe economies have been effected, and in view of the heavy prices of materials at the present time, I certainly think the Government of India ought to establish some system of economy on the lines I have proposed.

**The Honourable Sir Thomas Holland:** At last, Sir, I understand why my Honourable colleague, the Finance Member, chuckles so much to himself when any demand for a grant is attacked. He tries to make us all work without money: my constant endeavour is to make the departments or Government do work without stationery. Well, neither of us gets the appreciation which, I think, he deserves. I welcome the moral support of this Assembly embodied in the motion just moved by my old friend, Sir

[ Sir Thomas Holland. ]

Frank Carter, reinforcing my efforts to restrain, not extravagance so much as thoughtlessness in the use of stationery. I fear, however, that we do not reach the real sinner by this motion. I should have preferred something in the form,—if it would be effective,—of a vote of censure on the dufftris, the peons and the menial servants. That would do far more, I say,—if it could be effective,—than merely cutting down the estimated demand. Sir Frank Carter has called attention to the fact that we have one item—a small one—‘Stationery purchased in the country’ put down at Rs. 9,800, and he hopes and thinks that we ought to do our best to obtain our principal supplies of stationery in this country. I may explain that that small item is the total amount of stationery that officers have been allowed to buy on their own account. They are limited to purchases of stationery up to very small amounts to meet emergencies, but ordinarily they indent for stationery on the Central Stores, and it is the Central Stores that buys the paper and other forms of stationery for general Government use. Instead of limiting our purchases in this country to Rs. 9,800, I think it is quite safe to say, as regards paper—I cannot give the exact figure with regard to other items,—but as regards paper, we purchase 9-10ths of our total supply in India itself, and paper, among all forms of stationery, is the most important item. The money devoted to paper works out to be just 80 per cent. of the total stationery supplied. So anybody who is gifted with an aptitude for figures can work out what 9-10ths of 80 per cent. is. It is something more than Rs. 9,800 !

The Budget is, Sir Frank Carter says, appalling. I quite agree with him. But it is based on actual consumption, less our purely artificial attempt to reduce the total in the hope that our efforts towards economy may be effective. In 1920 we budgetted roughly for one and a quarter crores and the expenditure actually was, roughly, one and a half crores. Now, judged by last year's expenditure, we shall want for our Central Stores at Calcutta something like Rs. 90,00,000. We have cut down that figure to Rs. 80,00,000, not because we think that merely cutting down the figure does anything, but because we do hope that the methods for enforcing economy which we are contemplating will have a sufficient effect this year to save something like 10 lakhs. Sir Frank Carter wants to cut off another 10 lakhs. So should I if I thought there was any use in doing so. As I told you before, paper is our chief item, covering 80 per cent. of our total stationery requirements, and now, since this Budget has been prepared last December, we have received our tenders for the paper which we hope to purchase in this country. We find that the prices now being asked are something on an average over 30 per cent. of the prices for which we secured paper last year. We are told that this is due to increased cost of production, increased cost of coal, of chemicals, of wages, specially for the collecting of the grass necessary for the manufacture of paper; and consequently these increases bear more on the cost of low class paper than on the higher qualities. Unless we can effect some real economy in consumption, the mere fact that we reduce the budget here will simply mean that I shall have to come back to you in September for a supplementary grant.

So far as this motion and discussion will help us to bring home to officials the necessity for economy, I welcome it. But I want the Assembly to understand very clearly that, in spite of the hope of Honourable Members here, and in spite of my wish, we may not be successful in cutting down the expenses to the figure which Sir Frank Carter desires. When a Department

asks for paper, it is quite impossible for me to say whether it is necessary or not. I have to supply it first and then grumble about it afterwards. It is no use refusing the paper in order to inquire as to the necessity for its use. As I said, our estimates are based on the experience of the past year. We must carry on a campaign of economy in every office in the country even to live within the Budget which we have already put before you. In consequence, as I said, of the increased prices asked for paper, we shall be compelled to enforce economy everywhere, in the hope even of keeping our supplies this year within the Budget as now given in this printed book.

I am now going to make a small confession which, I hope, will receive some support from this House. I have so far, as you all know, done my best to get every possible supply from this country. We have so far been able to get nine-tenths of our paper, and we have thus not only encouraged local industries, but we have also saved considerable sums of money. This year, on a very careful analysis of the tenders, we find that the Indian prices have now in certain special qualities of paper gone above quotations for those qualities which we can get at Home, and I propose to place the order on business lines where we shall be able to save money. That will amount to a relatively small fraction of our total. With regard to the main paper supplies, we still can purchase in India with economy. But I do hope that this very small departure in regard to the special kinds of paper, will act as a spur to the manufacturers in India to reduce their costs and, therefore, their prices. For we want them, as well as the Government officials, to make an effort in economy. I would never dream of going outside this country for a sheet of paper if it can be obtained here at prices comparable to the prices of paper obtainable from abroad. But I do feel that in this particular instance, where I am working on a small scale, we are justified in bringing home to the local manufacturers the necessity of facing the competition of the world.

Now, there are two forms of economy possible. There is, first of all, the centralised purchase on a large scale; and there is, secondly, the more important form of economy in consumption. With regard to the first point, I think it is safe to say that the present Controller is doing his very best, and we try to help him by every device that we can think of. I have told the Assembly that we are not threatened with higher prices for locally-made materials, and we have reached a stage now when we have to judge between the desirability of encouraging a local industry and the absolute necessity of saving money. What we are doing this year on a small scale I hope we shall never have to do again.

Now, the other forms of waste in which economies might be developed are, as Sir Frank Carter has pointed out, far more important. He has told us that we sometimes send communications requiring an anna stamp where half an anna will be quite sufficient. On that question I am afraid he is looking at it from the point of view of business men, and not from the point of view of Government. It does not cost us any more to make an anna stamp than it does to make a half anna stamp. So the mere postage does not affect the question at all. But I get from business firms communications on extremely good paper, paper specially designed to save postage. It is wise from the point of view of the business firms. But the paper itself costs many times more than the paper that is used by Government officers. I notice that last year I gave an answer to the Honourable the Maharaja of Cossimbazar with regard to the purchase of paper in India, and we worked

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out the results as the average annual consumption of paper to be 75,000 tons, of which 30,000 tons were manufactured in this country ; that is to say, that 45,000 tons were imported mainly by private people, business houses mostly, but that the Government supplies of paper were to the extent of nine-tenths purchased in this country. So, in the matter of encouraging local industries, the Government have gone a little bit further forward than some of our business houses.

Now, in this question of economy I can do no more than hope for the co-operation of every serious official. A little thought exercised by all officials will in the total save us lakhs of rupees. Unfortunately, a sheet of paper is a very small thing, and most officers do not stop to think about saving it. It is only one sheet and it does not appear to be much. But in the total, all over the country, the effect is really serious.

The real loss, however, is not in consumption. It is not even due to that thoughtless use of an envelope for making a note, when a scrap of this ordinary paper would be sufficient. It is not that. It is the wicked waste, what Sir Frank Carter calls more bluntly theft, on the part of many ministerial and menial servants. Has anybody ever seen a Government pencil shorter than that (holding up a pencil no more than three-quarters of the length of an ordinary pencil)? I cannot recollect having seen one. What becomes of old Government pencils I do not know. Like ladies, they never seem to grow old. I have never seen in any committee meeting or Government office anything but a very new looking pencil.

Among the methods of reform which we have already attempted to introduce, some are exactly those that have been suggested by Sir Frank Carter. One, for instance, is the attempt to break up the consuming units so as to introduce more careful personal supervision. We want each department to have its own budget. That was a proposal that was suggested early last year by my Honourable colleague Mr. Hailey, and we are now working out budgets for each department in the hope that any unnecessary waste will be brought home to the senior officials responsible for the department. We also propose to establish a small stationery dépôt at the Headquarters of Government here and in Simla. At present the departments make indents on the Calcutta Central Stores for the stationery that they expect will be necessary. The result is that each department provides for a little factor of safety, and these factors of safety add to a fairly big total. We hope that by having a small stationery dépôt at Headquarters, we shall be able to work on a much smaller factor of safety, and shall, at the same time, have brought home to our own department the consumption being undertaken by the others. I hope too that the Inspector of Office Procedure will detect some sources of waste. Sir Frank Carter thinks that we ought to use him. We have been using him. He has detected various forms of thoughtless waste, I should think in the matter of stationery alone, by his suggestions for saving he has already very well repaid the country the cost of his salary. It is now a matter of extending the methods which he has suggested, so that in all departments, not only in the Central Government, because here we can make ourselves heard, but all through the country out to the very smallest office, some attempt will be made to reduce this enormous bill for stationery and printing.

Then, Sir Frank Carter referred to the very serious way in which the cost of printing is going up. The Government Press is now costing something

like Rs. 38 lakhs this year. A part of that is due to increased wages paid to the men. Whether the wages are extravagant or not is a matter of opinion. I think they are fair, and when the new wages were issued last year the men thought that they were not fair and went on strike. They were on strike in two presses for two months, and in one press for one month. We saved a considerable amount of money then in two ways. We saved the wages, and we brought home to the Government departments the fact that they were demanding printing work that was not always necessary. Every department went through its records with a blue pencil and cut out portions that were unnecessary to be printed. I think that a certain amount of saving was effected temporarily, and I hope permanently, through that strike, by bringing home to offices the necessity of being careful about the matter to be printed.

Then, there is another source of increased expenditure, that is, the increase in the size of our legislative bodies. With legislative bodies there will be extra committees and commissions of all sorts. All these will mean so much more in the way of printing and stationery. This Legislature costs now nearly 30,000 rupees a month, that is to say, the cost for a month of this Legislature is more than the printing bill of the whole Legislative Department in the pre-reform days, when we lived a relatively simple life. The Budget papers that were handed round to you on the day on which Mr. Hailey made his great speech cost about Rs. 15,000, and I estimate that it cost this country just about Rs. 9-8-0 for the Leader of the House to persuade an Honourable member last week that no rivers in the Imperial Public Works Department Division were used for irrigation. We should be very glad indeed if a reduction of the total Budget could in any way result in economies. I would gladly accept this motion if I thought it would lead to a serious saving, but I feel it might not do any good. It is a matter of business. Discussion will do good, because it will bring it home to officers throughout the country that we are going to insist on further economies. To cut money out of the Budget might even embarrass us, because we have now reached a figure that makes it difficult for us to undertake large contracts at favourable rates. I do not wish to get below a figure that I have to say to the Controller 'I cannot accept a contract of more than a certain size because the money has not been voted,' and so far as I estimate in the matter of paper we are not far off that line now. I think that on the whole, there might be some danger in cutting out another ten lakhs. We have cut out ten lakhs on the estimates based on the consumption last year. So that, if Sir Frank Carter could be content with the explanation given of our attempts at economy, and if he will be content with the lessons that will be learnt as a result of this discussion, I would suggest to him that the mere cutting out of a figure in the Budget will not really add greatly, and possibly might not add at all, to the economies which we hope to effect. I should not like to come back to the Assembly in September to explain that our economies have been insufficiently successful and be forced then to ask you, not for 10 lakhs, but possibly 20 or 30 lakhs more. I should also like the Assembly to notice in the Statement of Demand, that we hope to recover something like 50 to 60 lakhs of this big bill from Local Governments. We supply Local Governments with a great deal of their stationery. We do for them a certain amount of their printing. They, on the other hand, make local purchases for us and occasionally do printing for Imperial offices scattered about India. The bill that looks so enormous is not actually a full charge on the Government of India revenues in that sense. But we have now to realise that



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the Local Governments, under the reformed constitution, have the power to purchase their own stationery and to undertake, as they mostly do now, their own printing. To what extent they will rely on us I am not quite sure. They probably will have to rely on us this year, because they have no organisation to undertake contract work themselves, and I am sorry to say that there are very few firms in India with whom they can deal in the matter of purchase of paper, except by creating a form of artificial competition with the Controller of Printing and Stationery of the Government of India. I am, therefore, completely in sympathy with the object of Sir Frank Carter's motion.

I only hesitate to accept it because I feel that we want to get at this difficulty, this source of waste, in quite other ways and that this is in itself not sufficient. We, as I said before, have already cut down the demands based on last year's consumption by 10 lakhs, and if we go further, well, we shall almost certainly be driven to a supplementary grant. I would therefore leave the judgment of this matter entirely to the House.

**Dr. Nand Lal:** Sir, according to my humble way, I have gone through the details relating to this demand which is called Demand No. 45, 'Stationery and Printing.' The expenses, I mean to say, the Budget relating to the salary of establishment, I must admit, is a fairly reasonable budget, barring two or three instances which I will venture to point out. For instance, if the Honourable the Official Member will kindly take the trouble of looking at page 219, he will find that on that page under the head '1920-21' the number of incumbencies is 68, whereas for the year under debate, we find 113 and the total cost amounts to Rs. 1,21,160. I am surprised to see such a difference. If some explanation were given here I would not have taken up the valuable time of this Honourable Assembly, but since no explanation has been given, I really feel astonished to see this difference and I submit that this difference, as it has not been explained, seems to be too great to pass. Then you will see further on that for the last year we had 35 copyholders and for the year, under debate, we have got 75. Here too there is no explanation given and my comment is the same. In other cases, relating to establishment as I have already made my admission, I say that the Budget is very reasonable. In regard to Stationery I have got a great complaint. When I go through the items relating to Stationery I feel bound to invite the attention of the Government to this very great expense. Government knows that we are in financial difficulty. The financial situation of the year under debate is a critical one, and this financial embarrassment cannot be removed till we may call upon poor tax-payers to pay us. I think we should try and see that the tax-payers and the rate-payers are not called upon to pay unnecessarily. When I say unnecessarily I mean to say that if by economy we can save something, that saving should in a way be allowed in making a reduction in our demands from the tax-payers. These are the items, and as I have submitted, they seem to be very very large, and there should thus be a reduction. For instance, I would invite the attention of the House to the head 'Stationery purchased for Central Stores' on page 230. I have studied this carefully and I hope the House will kindly accept my suggestion. The accounts for 1919-20 tell us that a sum of Rs. 5,90,103 was spent or required. However, this item which is under the head 'Accounts, 1919-20,' is much less than what is demanded now. What is demanded now is 10 lakhs which is the budget estimate for 1921-22 on page

230, column 1. You will see that the revised estimate was no doubt 15 lakhs, but we have nothing to do with it. Let us examine what was demanded in 1920 and 1921. It was only 9 lakhs. Then we come to this conclusion that this year Government is demanding one lakh more for Central Stores. A greater demand is made because we are in a critical condition? My submission before this House is that this House should request the Government to do their level best to see that as little money is spent on this item as possible. Here a clear reduction of one lakh could be made. If Government was kind enough to save one lakh in 1920-21, we hope Government will be kinder this year and save the same amount, in any case. Then under the same head 'Stationery purchased for Central Stores' you will be surprised to see the amount 11 lakhs under head 'Bombay'. Perhaps this budget means to say that the Bombay Government most probably purchased this for the Central Stores. Since we have got to pay for it, we are fully justified in going into this item of 11 lakhs. In 1920-21, if I rightly follow these figures, it was only 10 lakhs. Here also, we can ask the Government to be kind enough to make some reduction. We can make a reduction of at least 2 lakhs in any case from this demand without injuring the work. This is not a reduction in salary so that the officers or the clerks will suffer. We have got full sympathy with them because prices are very high and we do not propose to make any reduction in their salaries; but, so far as Stationery is concerned, we really request the Government to be more economical and to use this stationery sparingly. We do not require stationery of the highest quality; we do not want to advertise our wealth by using the best quality of paper. This is the head which could be of some assistance to us, so far as our advocacy of the cause of the people is concerned. I shall request my Honourable friends, who were so very earnest about reduction yesterday, I mean Mr. Seshagiri Ayyar, Mr. Rangachariar and Mr. Jannadas Dwarkadas, to give the benefit of their eloquence to this motion for reduction. Here I will ask them, as a token of their sympathy with the poor tax-payer, to come forward and urge upon the Government the necessity for accepting this motion for retrenchment which speaks for itself.

There are two other points to which I may invite the attention of this House and about which I feel bound to offer some remarks. I find here that the contract work for printing is given or is about to be given by the Government to private contractors, and the difference, which I find between the amount given as payment to the contractors last year and that which is proposed to be given to contractors this year, appears to be too much. When I compare these two items, the difference is a startling one. May I invite your attention to page 222, Head 'Supplies and Services.' Take 'contract for Government printing,' and see what is the amount? Your perusal of this item will clear the point. It is 10 lakhs. And what was it last year? A perusal of this item will tell you that it was Rs. 7,50,000. And what was it in 1919-1920? It was not more than Rs. 9,78,000. And what was it in 1920-1921? It was, as I have already submitted, Rs. 7,50,000. Now, perhaps the Honourable Official Member will explain that there has been a great rise in wages and that, therefore, the contractors would demand a little more. I grant that. There was a great justification for this answer if the difference were a small one. But there should be some limit to this increase. What increase has been allowed? As I have submitted already, may I repeat it, that last year it was Rs. 7,50,000, this year we find it is 10 lakhs. Now, arithmetically, kindly try to find out to what percentage this difference amounts. This is a very very great increase in the amount allotted, and, if this contract has not

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been executed, if an agreement has not been made, then I very earnestly submit that this House should urge upon the Government to see that this contract money may be reduced. If the contract has been made, there is no help for it, but for the future my submission before the Government is that, before giving contracts there should be sufficient publication so that tenders may be invited on a very large scale and that the Government may try to get the best for the money which will be paid to the contractors. Of course, the decency of the printing and the respectability of the contractor should be taken into consideration, but at the same time the Government should try to see that proper publication is made on a larger scale and that all contractors, who have got anything to do with printing, may be invited to give tender.

When I go into the item relating to the purchase of stationery, I again feel very much surprised that stationery was not purchased, on a larger scale, in this country. The object of the Government is—and I must thank Government for that noble idea,—that indigenous industry may be developed. Here is a chance, lakhs and lakhs are spent on the purchase of stationery. Why should not the whole sum be spent in India, if all these articles which are required could be had in India? Of course, in the case of those articles which cannot be had in India, they can be imported.

Then, there is another item to which I feel bound to invite the attention of this Honourable Assembly, namely, 'the printing done in private presses.' When I compare the items relating to the expenditure incurred on account of having those things printed in private presses with the expenditure incurred on having the same things or things of a similar kind printed in Government presses, then I feel bound to submit before this House that the private presses should be encouraged, because this seems to be economical, and I ask the Honourable Official Member to kindly tell us why the private presses were not given a greater chance. If there was a sufficient reason for not doing so this time, I shall place my submission before the Government that in future, I mean to say next year or the year after, greater opportunity may be given to the private presses.

Perhaps this Honourable Assembly may ask why? What will be the use? There will be a number of benefits. In the first place, economically, it will pay the Government. If my calculation and computation of all these figures are correct—I am subject to correction no doubt—then I feel bound to submit, that if work is given to the private presses, it will be less expensive.

The second benefit would be this, that our officials, supervisors, superintendents, foremen and readers, will not be saddled with so much responsibility as they are now . . . .

**Mr. Jamnadas Dwarkadas:** I rise to a point of order, Sir. Is there not a time limit of 15 minutes for speeches?

**The Honourable the President:** There is no time-limit in the case of speeches on the Budget.

**Dr. Nand Lal:** Perhaps my friend, Mr. Jamnadas Dwarkadas, has not got a good watch.

Thanking the Chair for its ruling, and not thanking Mr. Jamnadas Dwarkadas, I may submit, that this item, or you may call it head, is the proper head in regard to which you can very respectfully ask the Government to make

a considerable reduction, and with these few remarks I support this amendment, *viz.*, the motion for a reduction most strongly.

**Mr. E. L. Price :** Sir, the fear of the Honourable Member's demise if he were kept in Delhi long, yesterday, I submit, had a marked effect on the result of the division. Members will be glad to see that the climate of Delhi is not so deleterious to the Honourable Member's health, but that his staying powers are remarkable, and that there is no fear of his early death, but rather that his staying powers may prove the death of us.

There is one point I want to put. The Honourable Sir Thomas Holland, I think, has given us a more than adequate reply, but he did not tell us whether the Government's waste paper is destroyed in incinerators or sold.

**Mr. B. Venkatapatiraju :** Sir, the expenditure on the stationery, as my Honourable friend, Mr. Norton, has said, is not at all stationary, but going up year after year. In his usual and full address the Honourable Sir Thomas Holland has tried to reply to Sir Frank Carter, but I regret to say it is not satisfactory—at least, to some of us, because though he said that 80 per cent. of the paper is purchased in India, that is not the only consideration. When the whole amount is absolutely necessary and the whole amount is utilised for proper purposes, there would be no objection; but Sir Frank Carter and Mr. Price, who are both business men, have pointed out that by utilising waste paper we can realise some amount instead of burning it in incinerators. I may tell you that merchants would purchase most of this waste paper for about one-tenth of the price. We find in every office incinerators burning, if not at night, I have certainly seen during the day vast heaps of waste paper being burnt in this way, which, if we gave up all this redtapism—unless you want to burn confidential papers—could easily be sold.

I want to mention one or two more facts in connection with this motion. The Honourable Sir Thomas Holland referred to receiving supplies from the Local Governments as well as making supplies to them; but I find from the explanatory note that there is an increase in the outlay on printing (page 54). But we are receiving less from the Local Governments and we are spending more on printing works. Spending more on printing works, I thought, was bringing in extra machinery, but I find it is purely increase of pay to the extent of about 5 lakhs and even for such a small press as the Private Secretary's Press we have provided nearly Rs. 36,000. We have so many Government Presses besides the Private Secretary's Press, that this yearly expenditure for the Private Secretary's Press seems too large. I also find under the 'Reading Branch' at page 219 that there is an increase of staff and an increase of expenditure to the extent of one lakh. And curiously at page 216 under 'Contingencies' there is an increase from Rs. 93,000 to Rs. 1,70,000.

There are various other items showing an increase of expenditure. The Honourable Sir Thomas Holland says he does not mind accepting this motion, but he will be obliged to come back again in September. Well, I think, Sir, it is far better to give him an opportunity of coming back to us when we grant a smaller amount, saying 'We have spent it and economically spent it and we want more.' Then we shall have an opportunity of scrutinising it. But I respectfully wish to draw the attention of the House to the fact that Dr. Nand Lal is not charitable to our Honourable friends, either to Mr. Rangachariar or to Mr. Seshagiri Aiyer or to Mr. Jannadas. Perhaps the

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extremes of climate affect our friend, Dr. Nand Lal, sometimes making him happy and sometimes sad; because he at one time says this is extremely unsatisfactory, and then he comes forward when we are asked to spend a crore and a half on the stationery with a statement that it is very reasonable. I cannot understand whether he is joking or is serious. When he says 'That is very reasonable; why should there be any reduction at all?' Sir, in these matters we ought not to be satisfied with a 'muddling through process.' We must try and scrutinise every item, and in doing it we have the help of two such business men as Mr. Price and Sir Frank Carter. We must take advantage of their support and press upon the attention of the Government the need for reducing this item, so that if they find it necessary they can come back to us again in September. Therefore I have great pleasure in supporting Sir Frank Carter's Resolution.

**Mr. Eardley Norton :** Sir, I rise to ask two questions and to give one answer.

The first question is with regard to the Private Secretary's Press. I do not in the least wish to pry too closely into the doings of that gentleman, for we know he has many and very delicate functions to perform, and possibly some of these include the writing and setting up of speeches which are subsequently delivered by various eminent personages. But I should like to know something more about this Rs. 36,000 provided for the Private Secretary's Press. I should like to know, among other things, to whom that special personal allowance is given, whether it is to the Private Secretary or to some of his subordinates. (Page 223.)

The other question I wish to ask is with reference to an item printed on page 230 to which allusion has already been made. I mean the item of 10 lakhs of rupees for the cost of stationery supplied to the Presidency of Madras for which I have the honour to sit. I cannot help thinking there must be some *per contra* recovery from Madras with regard to this very large item, and if so, I want to know where I can find it and what that recovery is.

The answer I want to give is this. The Honourable Sir Thomas Holland says he has never seen a Government pencil shorter than the one he held in his hand. I think I have some bowing acquaintance with the pencils furnished to this House outside the precincts of this House. I rather think I have met some in a Bridge room at Raisina, and I suggest to Government that if any real retrenchment is to be made under this head, they should begin by searching the persons of the Honourable gentlemen who leave the House every evening when the House rises.

**Mr. J. Chaudhuri :** Sir, I rise to give my support to Sir Frank Carter's motion. I am not going to deal with it with my Honourable friend, Dr. Nand Lal's eloquence.

There is not much scope for eloquence dealing with this subject. But I labour under the same difficulty that my Honourable friend, Mr. Venkatapatiraju did. The Honourable Dr. Nand Lal took a full quarter of an hour in making his speech, but barring his eloquence we have not been able to follow what he was drifting at. He dealt with figures and facts which left no impression on my mind. There is a general impression all over Calcutta, and I think all over India, that the Stationery Department of the Government of India is the most extravagant department of the Government, and

I have always heard complaints that they do not favour local tenders and that they do not advertise or call for tenders and people do not know on what principle the department makes its purchases. A further reason for complaint, I find, is that under this head there is a statement 'Stationery purchased for Central Stores Rs. 80,00,000', and out of this the stationery purchased in the country only amounts to Rs. 9,500; that has been explained and corrected and I shall therefore leave that point. Mr. Eardley Norton has complained about pencils. I have known small industries developed in this country which have had the greatest difficulty in obtaining orders from the Stationery Department. I know of a particular pencil factory where the head of this department went and approved of the pencils; then the head of the Commercial Intelligence Department also went and approved of them, as also his assistant Mr. Cotton, and all this was recorded in the book of the company. But when the time for placing orders came, the company applied to the department for a number of years and they did not succeed in getting any orders at all from the Stationery Department. It was the Census people during the last census who obtained these pencils and they never complained about them. We have heard so many times that Government wants to promote indigenous industries, but when industries in this line are started, we find that the Stationery Department is very loath to patronise them; and I would, therefore, ask the Honourable Member in charge of the department to see to this.

I should also like to draw the attention of the Honourable Member to the Printing Department. Every one knows that there was a great strike in the Government press last year, and there were considerable difficulties in bringing about a settlement. Now, when printing presses go on strike, we also who are interested as journalists in printing presses are indirectly hit by it, and it is to our interests that the Government presses should be managed in a thoroughly business-like manner. I understand that the Honourable Sir Thomas Holland appointed a Works Committee superintendent for looking into the grievances of the Government press people at Calcutta; but before I came here, the representatives of the Government press came to see me and wished me to represent to the Government of India that their grievances have not been adequately attended to, and that the Works Committee were not looking after their grievances at all. They say there are two methods of doing work in the press, some people are salaried servants and others do work on the piece-work system. Now it is to the interest of the salaried servants not to give enough work to the workmen who work on the piece system, the object being to get overtime allowances for themselves; and this causes considerable loss of money to the Government.

Then there is another matter of complaint and that is that Lino operators and Mono operators are treated differently at Simla and at Calcutta, and that some uniformity should be observed with regard to workmen in these lines. They say that if all men are employed on the salaried system and their work properly supervised, the work will go on more satisfactorily and greater economy might be effected in the management of the Government presses.

Another grievance is with regard to the pension which men who work on the piece-work system are entitled to after they have served for 25 years. Government has fixed a rule that the pensions should be calculated on the average of their earnings for the last five or six years. Now, these workmen say that the rule is all right with regard to Government servants who are employed in the

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offices, since they go on getting larger and larger income and before they retire get their maximum salary ; but that with regard to the piece-workers, whose weekly or monthly earnings, as they grow older and older, fall off instead of going up. The more reasonable way would be to calculate their pension from their average earnings during the 25 years, and that would work more satisfactorily, since under the present rule when they retire they get very little pension indeed. In one instance it was pointed out that a man who used to earn in his younger days Rs. 50 to Rs. 60 per month got a pension of Rs. 3-8-0 only when he retired.

So I bring all these matters to the attention of the Honourable Member in charge of the department for the purpose of looking more closely into the working of the department ; and if the Government presses were reorganised and workmen given fixed monthly salaries instead of working on the piece system, I think there will be greater satisfaction amongst the press hands, which always contributes to efficiency of work as well as economy.

**Sir Frank Carter :** Sir, I am sorry that my little motion has occupied so much of the House's time. I really never intended it should do so. I thank Sir Thomas Holland for his assurance that economies are being effected and will be effected in the future, though I am sorry that he cannot see his way to reduce this demand by Rs. 10 lakhs.

There are just one or two points that I should like to refer to in what he said. I am glad to hear that so much paper has been bought in the country and I quite approve of his giving up the paper mills here if their prices are higher than those which he can obtain in England. He admits that there is no check on the supply of paper. This is rather a tall order, but I think there ought to be some check, especially on the supply of private paper. Then again he refers to 'wicked waste', and what I call 'theft'. It seems to me, Sir, there is a simple remedy against theft of pencils and pens. I presume all Government officers have a writing table with a locked drawer ; it is only a small matter to put your pencils and pens into the drawer, lock it every evening before going away ; they cannot then be stolen during the night.

There was another reason which Sir Thomas Holland brought forward why he should not reduce this vote, and that is that he would not have sufficient money to pay for the stationery that he had ordered and was necessary. I am afraid from my experience of Government they do not always pay cash. We have been kept months and months before we are paid. However, Sir, under the circumstances I wish to withdraw this Resolution.

Leave was refused.

**The Honourable Sir Thomas Holland :** May I rise to a point of order, Sir? I was under the impression that the Government Member would, at any rate, have the right of answering the questions that have been put to him for information before the House is allowed to divide.

**The Honourable the President :** The Honourable Member for Government can reply before the main question is put again. This has happened

several times. I may remind Honourable Members, Members of Government as well as ordinary Members, that they must protect their own right of reply. The Member who moved the reduction rose at once the moment the preceding speaker resumed his seat, and, therefore, I called him. I did not observe Sir Thomas Holland rise at all.

Order, order. The original question was :

‘ That a sum not exceeding Rs. 1,49,12,000 be granted to the Governor General in Council to defray the charge which will come in course of payment, during the year ending the 31st March 1922, in respect of ‘ Printing and Stationery ’.

Since which an amendment has been moved :

‘ That the demand under ‘ Printing and Stationery ’ be reduced by Rs. 10,00,000.’

The question I have to put is, that that reduction be made.

The motion was adopted.

**The Honourable Sir Thomas Holland :** Mr. President, I merely want to correct one or two statements that have been made by some Honourable Members. I have also been asked by some of the Members to supply information in answer to questions in order, presumably, that they may be entitled or able to make up their minds fairly. I am not opposing this motion at all. I have pointed out to the House that we are attempting to effect economies, that we hope to succeed, and that we have valued our hopes to the extent of Rs. 10 lakhs already ; but I dare not come to this House with anything like a promise of economies to the value of Rs. 20 lakhs, especially because, as I have told the Assembly, since the Budget was prepared, we have learnt that the cost of country-made paper will be very seriously increased, possibly to something like 32 per cent. Therefore, the question before the House is, whether it is worth while cutting a figure out of the Budget if you are practically certain that the Budget will have to be renewed. If the figure is left in the Budget, we shall not necessarily spend it. Our contracts are so made that they run on from week to week on an agreed schedule of prices. If we do not want the material, if the material is not demanded by our departments, we take no supply and we therefore make no corresponding payment. At the end of the year, if we do effect a saving, the money will be returned to Government. Last year, instead of there being a surplus, we had to come up for a supplementary grant. I have told you what I think are the principal forms of consumption. I have also told you the methods we hope to adopt to effect economy. We can do no more than promise to push ahead along those lines. Whether you cut the figure or not, is a matter of unconcern to me, seeing that we must meet the stationery demands of the country if these demands are presented to us in a form which shows that they are necessary. Under the rules, theoretically, the Controller has the power to challenge any demand that is made, but it is a very difficult thing for the Controller to say to a Government department ‘ you do not want any more paper and you shall not have it.’ Once the department establishes its claim, it is very difficult indeed for the Controller to enforce that form of economy, and occasionally it might even be a very dangerous thing for anybody to attempt.

Sir Frank Carter has suggested that it would be an easy thing to lock up your pencils and pens before you go home in the evening. Well, as I



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mentioned before, all I want from the officers is in this way a little more thoughtfulness. Thefts occur because of opportunities. Because Mr. Moncrieff Smith does not go round the Assembly hall every evening and pick up the pencils and pads of paper we get a remark made to us like that made by Mr. Eardley Norton as to the pencils being found at Raisina! It might be a thoughtful and useful thing if Mr. Moncrieff Smith would every evening go round to each Member and make him return the pencil that he was supplied with in the morning. Economy, as well as charity, begins at home.

Well, I do agree that a great deal can be done with a little more thoughtfulness on the part of each officer. We try to do so in our own office, and I think every office in the Government of India is really doing its best to think of new forms of economy in the matter of stationery.

Sir Frank Carter says that Government does not pay cash for its stores, does not pay its bills punctually, and therefore it is not liable to be embarrassed merely for want of money. The arrangements we have for our contracts are that we get a saving of something like 5 per cent. on the understanding that our bills are paid within a certain specified time. That we have done, and that we will do. There are some firms, it is true, whose bills require a great deal of examination before the Government can dare to pay them!

Now, Sir, there are one or two minor matters referred to by Dr. Nand Lal. He said that the number of subordinate workers in the press in one case rose from 68 to 113 and from 35 to 75 in another case.

If he adds up the columns, he will find that the actual rise is from 958 last year to 1,142 now. The real reason for that is not that there are more workers, for unfortunately there are less: the reason is that a large number of the men in the old days were engaged as temporary day hands. Some of them, I found, had been for years temporary day wagers, and it was unfair that men of that kind should go on from day to day being merely employed as day-wage men when they were in effect permanent Government officials. They were, therefore, in the course of our examination of the press last year, put on to the permanent scale, and so their service, which has been continuous, will be counted towards pension. That is really the difference: it is a book difference, and I think that every Member of this House will agree with me that it is only fair to these men that they should so be recognised in order that they may establish their claims.

But we have gone a little further than that, and worked out a scheme for a Provident Fund, because a man who earns a pension, as I think Mr. Chaudhuri said, sometimes does not enjoy it for long or get a sufficiently large one because of his recent earnings being on a low scale, whereas if a man is put on a Provident Fund he gets what he earns whenever he leaves Government service; and when he leaves, if he dies afterwards his Provident Fund is at the disposal of his family, whereas a pension dies with him. We have been working out a scheme so that the new employees in the presses may be put on to the provident fund instead of having to work on the old Government pension system.

Then, Dr. Nand Lal raised the question of the purchase for central stores under the head 'Madras' on the last page of this Statement of Demand. He also referred to a similar statement in the case of Bombay. These increases

in Madras and Bombay do not worry us at all. They are purchases made by Madras and Bombay that they have to pay for. They go into our books and are credited in that way, but the Government of India does not pay for these items. On the other hand, the more they increase the better we are pleased in one way, because all the purchases made by Madras and Bombay on behalf of the Central Stores are purchases of locally made articles. They have not the power to make contracts outside India, so that is an index of the way in which local purchases are being made.

Then, the rate has gone up for the contractors for Government printing from Rs. 7½ lakhs to Rs. 10 lakhs,—one of the items referred to by Dr. Nand Lal. He wants the contract to be reviewed and he wants in future that public tenders should be invited. The contract that is recorded this year is a purely temporary extension of a contract that has been in existence for many years. Before we renewed this contract at an appreciated rate, we had a very careful inquiry into the increased cost of printing. We also had inquiries made as to the possibility of any other firm undertaking the work. The work undertaken is that of printing Government forms. These forms are mostly stereotyped and the demands go straight to the firm from the different departments. It is a very large organisation of a special kind and I am not going to blame other printing firms who were unable to make a favourable tender this year. It is because if any other firm made a tender they would have to reorganise the whole of their printing system and establishment. They would have to increase their plant for the production of these special forms and without anything like continuity and certainty of tenure, it would not be worth their while, as it was not worth the while of any firm to make a more favourable tender than we have received. The contract was renewed temporarily because we hope, in the future, to split it into two portions. That is to say, we shall undertake our own storage and distribution and shall then be in a position to accept tenders for the whole or portions of the printing from any firm in India. We are unable to do that this year simply because we do not wish to spend money at once on new buildings, the buildings that would be required for storage accommodation.

I think that it would not be fair for me to go any further, in a public discussion of this kind, into the details of this contract, because the number of firms affected are so few that anyone could quite well guess to whom I referred if I mentioned any figures. I will, therefore, with the consent of the House, place the full details before the Financial Committee, if the Financial Committee would like to examine them. I leave it, then, to the Financial Committee to judge as to whether we have made a reasonable attempt or not towards economy in the matter of outside contract work.

Dr. Nand Lal then goes on to say, that we ought to increase the work given out to private presses. Well, last year when we had the strike of printers in the three main Government presses, we attempted to give out certain sections of our work to private presses. We called for tenders from different presses in the country, and I have myself not the slightest doubt that the very best tender was distinctly more expensive than the printing done in the Government printing presses. It is not a matter that we can state precisely in figures, because, as you know, in estimating a cost of this sort, certain artificial allowances are made for overcharges; but having made these allowances so far as we can judge them to be fair, we think that we are effecting more

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economies in the Government printing presses by printing ourselves than would be obtained if we contracted our work out to private presses under present conditions in India. It is true that last year most presses were working under difficulties of labour. There were constant strikes and demands for increased wages, the immediate effect of which was to paralyse firms who wished to undertake contracts. They were afraid to undertake contracts at rates that in normal times would have been regarded as safe, because they felt that there was no certainty as to the future demand for wages.

Mr. Price renewed the point in Sir Frank Carter's opening speech with regard to the disposal of waste-paper. I forgot to mention this matter before.

At the same time the collection of waste paper does not come within my immediate departmental work. My department buys paper and supplies paper to other departments, but I am not a rag and bone merchant, we do not pick up waste paper. But what is done is this. Each department is responsible for its own waste paper, and in some cases they dispose of it separately. I think that in Bombay Mr. Percival will probably know— the waste-paper of all Government departments is collected and handed over to the Poona Paper Mills. In many cases, however, it is a very difficult thing to deal with waste-paper in Government offices. So many of the papers are of a confidential nature that it is dangerous to allow them merely to be sold as waste, and in that case, large quantities of paper have to be burnt.

Mr. Venkatapatiraju wants us to take advantage of the suggestions made by a businessman like Sir Frank Carter. Sir Frank Carter knows as well as I do that the same forms of waste go on in business offices. A business office is a small unit and can be more effectively supervised and, consequently, possibly more savings are effected. But as I have already stated, one of our methods will be the division of departments into smaller units for more complete and personal supervision.

I remember the case of a manager of a firm going to Calcutta to inspect his branch there and in the course of his ordinary duties he made it a special point to work out the consumption of stationery and stores. He found that during the past few years, his branch firm at Calcutta had indented on the Home firm for nibs sufficient to supply every man in the office with three nibs a day, and every man meant, every man including the sweepers. That is the way in which waste goes on; and in Government offices and in firms we have waste in the same way.

Mr. Chaudhuri has raised the whole question of the treatment of press workers. We dealt with that question last September in Simla. I think we discussed it very fully then, and it seems to me unnecessary to revive that question now. His principal contention is that our piece-workers ought to be turned into salaried men, and I suppose he suggested that because the aim of this discussion is to effect savings. Now I have never heard of any businessman ever hoping to effect a saving by turning his piece-workers into salaried hands, and as I told the old Imperial Council last September, I should like to see every official who is a salaried officer turned into a piece-worker.

I think I have covered all the points that have been raised in the debate, and I again say that I leave the Budget to the House. We have already cut

off ten lakhs and I do not want to hold out false hopes by suggesting a further reduction in the estimates.

**The Honourable the President:** The question is:

‘That a sum not exceeding Rs. 1,39,12,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending 31st March 1922, in respect of Stationery and Printing.’

The motion was adopted.

**The Honourable Mr. W. M. Hailey:** Sir, I beg to move:

‘That a sum not exceeding Rs. 50,23,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st March 1922, in respect of ‘Miscellaneous Expenditure.’

**Mr. A. B. Latthe:** Sir, I beg to move:

‘That the reserve of Rs. 10,00,000 at the disposal of the Finance Department, be reduced to Rs. 2,00,000.’

You will see that on page 233 it is proposed that the Finance Department should have at their disposal a lump sum of Rs. 10 lakhs for unforeseen expenses, and the explanation in the memorandum which has been supplied to all Members of the House says that this sum is intended for the purpose ‘of urgent objects’ for which expenditure may have to be incurred ‘during the next year before a supplementary vote can be obtained from the Legislative Assembly’.

Now, in deciding whether such a reserve is necessary, the first consideration which would weigh with the Assembly would be whether such a reserve had been of any utility in the preceding years.

This Budget gives the figures for the last year. You will see that Rs. 10 lakhs were provided for a similar purpose last year, but not a pie was spent. The reason is obvious. Those Honourable Members who have looked into the Budget will find that the Budget has been prepared with the greatest detail and care, and a most every imaginable expenditure has been provided for. Under the circumstances, therefore, I do not think there is any probability of any unforeseen occasions arising, except perhaps occasions like an epidemic, which will require the Finance Department to meet expenditure from such a large amount as this. Then there is another consideration which is also of considerable importance. In the ordinary course we find that such a provision is not necessary. It has not been found to be necessary in past years, and if we provide for such a large sum in so indefinite a manner, the only result is that it will not bring any convenience to the Government but will add to the deficit, making it necessary in a year like this to add to our taxation. I therefore submit that the right course for the Government to pursue, in such circumstances, is not to provide for such unforeseen expenditure. I do not mean to say that no unforeseen circumstances will arise requiring expenditure, but if they do the right course for the Government to take is to incur the expenditure and then come to the Assembly for its sanction. If such expenditure is very urgently required, I do not think that the Assembly would at any time refuse its sanction; and if there is time to obtain the sanction beforehand, that may also be done. But if we keep aside a lump sum of 10 lakhs for circumstances which we cannot even imagine, the only result at a time like this would be to increase the taxation unnecessarily. I therefore submit that this sum should be reduced to at least Rs. 2 lakhs.

**The Honourable Mr. W. M. Hailey :** Sir, I should like to begin by correcting one misapprehension of my Honourable friend. Whereas expenditure has been made against the reserve in previous years, the amount so expended is not shown under this particular head because as soon as the expenditure is incurred, it is passed over to its own definite head of account.

Now, Sir, with regard to our proposal that we should have 10 lakhs in our hands as a reserve. I do not know how long the House desires that we should go on without applying for a supplementary grant, for myself, I should prefer not to apply for a supplementary grant at all, that is to say, that we should carry on until the next Budget, without a further application to the House. But it would perhaps be in any case difficult to do so, for our Budget has been drawn up, as I think Honourable Members will recognise, on the very narrowest lines. Under no head, except I think under the one minor head of Delhi—nowhere have we left any reserve. If, therefore, we are to carry on without coming to the House for a supplementary grant next September or August, as the case may be, I do not think that anybody would deny that 10 lakhs is a very moderate reserve for the purpose of so carrying on. It is impossible to provide for all contingencies. I can think now of many items which we should have to meet from any such reserve as may be provided by the House. Take, for instance, the case of the larger allowances which are now being paid to the Legislative Assembly itself. Then again we have, coming on, in the course of the summer, certain small inquiries such as that regarding the rehabilitation of the 3½ per cents. We know that trouble has arisen in the Post and Telegraph Offices and we have had to appoint a committee to take up certain points that were not touched by the former committee. We may have to make payments there. I do not desire to burden the House with a mass of details of the unforeseen expenditure—technically unforeseen expenditure, which I myself anticipate—but it will be perfectly obvious to the House that there must be many matters for which we have not provided in the Budget but in which we shall have to meet claims. Now, what does the provision we have made amount to? The provision we have made is Rs. 10,00,000, which appears to be—taking the whole of our expenditure in England and India together—‘087 of our total expenditure. I put it to any business-man here that a provision of ‘087 of your total expenditure for unforeseen contingencies is an extravagant one. I need not add, that if this were left in our hands it would not be used for the purpose of incurring expenditure on any item which has already been cut out by the House. That I think goes without saying.

Nevertheless, I have naturally desired to see how far we can meet the House in this particular point,—for it is the obvious desire of the House that we shall reduce our demands to the very lowest sum possible. The House—if I may put it in this way—has granted us the exact fare for our journey, something for the conveyance of our luggage, and possibly the bare minimum for our food on the road but in every journey it is reasonable to add in some provision for the unforeseen chances and contingencies of the way. We will endeavour if the House will allow us this sum, to carry on with 5 lakhs, thus cutting 5 lakhs out of the Budget. It may be, that on that account, we shall have to come up for a supplementary grant sooner than I could have wished but I am content to run the risk of that. The House has before it a number of motions on this point and I suggest that it should take them all together and fix the sum at 5 lakhs.

**The Honourable the President:** Does the Honourable Member accept that?

**Mr. A. B. Latthe:** Yes, Sir.

**The Honourable the President:** Then I will put the motion in that form. The original motion was :

‘That the reserve of 10 lakhs at the disposal of the Finance Department be reduced to 2 lakhs.’

The question I have to put is :

‘That in the place of the words ‘Rs. 2 lakhs’ the words ‘Rs. 5 lakhs’ be substituted.’

The motion was adopted

**The Honourable the President:** The motion now is :

‘That the reserve of Rs. 10 lakhs at the disposal of the Finance Department be reduced to Rs. 5 lakhs.’

The motion was adopted.

**Sardar Gulab Singh:** My Resolution, Sir, is just the same—at least a similar one. It may be worded in the same way. I ask :

‘That the demand be cut down to Rs. 5 lakhs.’

**The Honourable the President:** Order, order. The proposal which the Honourable Member would have made is covered by the amended motion for reduction which has just been carried.

**Sir P. S. Sivaswamy Aiyer:** May I ask, Sir, that the House be furnished with some details of the Rs. 41,52,100 charges on account of the visit of His Royal Highness the Duke of Connaught—on page 231? I simply ask that the House may be informed as to the details of the expenditure.

**The Honourable Mr. W. M. Hailey:** Sir, I think the most satisfactory form in which I can supply that information will be to place on the table of the House the heads of expenditure which we have incurred in connection with the visit of His Royal Highness.

**Mr. B. H. R. Jatkari:** Sir, I rise to ask one question about an item about which I have some doubt.

I refer to page 236. There is a sum of 25 lakhs for quit-rent to His Exalted Highness the Nizam of Hyderabad. Presumably it refers to Berar. The amount is not votable, but as we all know, this province of Berar has been under the Central Provinces administration and the revenues of Berar are allocated to it. I ask whether this item of expenditure in connection with the quit-rent for Berar payable to His Exalted Highness the Nizam should not be a proper charge to the Central Provinces Government.

**The Honourable Mr. W. M. Hailey:** Sir, I shall not make the point about this that it is non-votable expenditure; the Honourable Member is only asking for information and I shall be glad to give it to him. When the Financial Relations Committee conducted its inquiries in the provinces and decided the sum which should be paid by us to them and in return by them to us in the form of contribution, this particular sum was not taken into account for purposes of adjustment. If, therefore, we were now to pass this sum on to the Central Provinces we should have to revise that adjustment and reduce their contribution to us. The effect, therefore, would be much the same to us.

**The Honourable the President :** The question is :

‘ That a sum not exceeding Rs. 45,23,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of ‘ Miscellaneous Expenditure ’.’

The motion was adopted.

**The Honourable Mr. W. M. Hailey :** I beg to move, Sir :

‘ That a sum not exceeding Rs. 62,84,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of ‘ Adjustments with Provincial Governments’. ’

The motion was adopted.

**The Honourable Dr. T. B. Sapru :** Sir, I beg to move :

‘ That a sum not exceeding Rs. 1,43,54,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 for the Administration of the North-West Frontier Province. ’

**Munshi Iswar Saran :** Sir, I beg to move :

‘ That the provision of Rs. 3,20,000 for General Administration (page 238) be reduced by Rs. 20,000. ’

Sir, the reason why I have made this motion is that I wish to call attention to the dissatisfaction that exists against the general administration of the North-West Frontier Province. I wish to make it clear, Sir, at once that I do not take objection to any particular item of expenditure. My only object in bringing forward this motion is to raise a debate and to draw the attention of the Assembly to the general administration in the North-West Frontier Province. As this House is aware, the area now known as the North-West Frontier Province formed part of the province of the Punjab, and it was on the 1st of November 1901 that it was formed into a separate province known as the North-West Frontier Province. Opinion is very much divided, I submit, whether this step, taken in Lord Curzon's time, has proved beneficial to the people of that province. We find that last year, in the Indian Legislative Council, Mr. Sinha gave notice of a Resolution that the North-West Frontier Province should be abolished and that the Districts of that Province should be merged in the Province of the Punjab. The Resolution was admitted but, on account of a difference that arose in the Council because Mr. Sastri's Resolution on the question of the Punjab was disallowed by His Excellency the Governor General, Mr. Sinha, as a protest against the disallowance of Mr. Sastri's Resolution, did not move this particular Resolution about the North-West Frontier Province. We find, Sir, that the Resolution of Mr. Sinha gave expression to the dissatisfaction against the general administration of the North-West Frontier Province.

Coming now to our own Assembly, we find that a Resolution was moved by my Honourable friend, Dr. Nand Lal, about the raids in the North-West Frontier Province and he wanted that a Committee be formed in order to investigate this matter. Dr. Nand Lal went into details and made allegations as regards these raids, which unfortunately are too frequent in that unfortunate province, and if I am not mistaken — I hope the Honourable the Law Member will correct me if I am mistaken — in the reply that was given on behalf of Government by the Honourable the Law Member, the statements of fact that were made by Dr. Nand Lal were not challenged. The position of the Government was that having regard to the negotiations that are going on at the present

moment, it is not advisable to form a Committee to go into the subject-matter of the Resolution of Dr. Nand Lal. Again, Sir, we find . . . .

**The Honourable Dr. T. B. Sapru :** I rise to a point of order, Sir. My learned friend is not correct and I do not accept this statement.

**Munshi Iswar Saran :** Will the Honourable the Law Member do me the favour of speaking up ?

**The Honourable Dr. T. B. Sapru :** I rise to a point of order, Sir. When my Honourable friend says that those statements were not challenged, he is not strictly accurate.

**Munshi Iswar Saran :** That was my impression. I am sorry that I did not quite appreciate the force and the significance of the reply that was given by the Government on that occasion. But that is how it struck me. I am grateful that the Honourable the Law Member has corrected me.

Then we find, Sir, that there appeared an article in the *Tribune* of Lahore, an important paper in the province of the Punjab, where it was stated that 'there has been practically a steady increase of crime in the Frontier Province since the partition of the Punjab' and that 'there was greater security of life and property when the Frontier Province was part of the Punjab than there is now'. Mr. Sinha put a question about this particular statement contained in the article in the *Tribune* of Lahore, and I do not wish to give the Honourable the Law Member the chance of correcting me again, for I could not very well hear the answer that was given by the Honourable Member on behalf of Government. So, I do not know whether in this particular instance the Government accepted the statement contained in this article of the *Tribune* or denied it.

**The Honourable Dr. T. B. Sapru :** I rise again to a point of order, Sir. The Government this morning affirmatively denied the statement in the *Tribune*.

**Munshi Iswar Saran :** I could not hear him. So, in view of all these facts, Sir, I submit that there is dissatisfaction with the general administration of the North-West Frontier Province.

When you leave this part of the case and come to see how the recruitment of officers takes place in the North-West Frontier Province, I think you will agree with me that the system of recruitment is open to serious objection. We find, Sir, I have collected my information from the Quarterly List of Civil Officers serving in the North-West Frontier Province corrected up to the 1st of October 1920—I shall be glad if my Honourable friend will correct me if I make any mistake—that there are 37 European Officers of the Political Department of the Government of India serving in the North-West Frontier Province, and they belong both to the Indian Civil Service and to the Indian Army. Now, when you come to analyse these, what do you find? Two of these are Judges, one is a Divisional and Sessions Judge at Peshawar and the other is an Additional Divisional and Sessions Judge at Peshawar. 4 are Deputy Commissioners. 3 of these Deputy Commissioners belong to the Indian Army and one is a member of the Indian Civil Service. 4 are Assistant Commissioners, 2 of the Army and 2 of the Indian Civil Service. One Indian Army Officer is the City Magistrate at Peshawar.



[Munshi Iswar Saran.]

Sir, even the Census Superintendent is an officer of the Indian Army. The Secretary and Assistant Secretary to the Chief Commissioner are the officers of the Foreign and Political Department. When you look at the list of officers in the Secretariat, you will find that there is not a single Indian in the Secretariat holding any of the most important offices. What is more significant is, that in the Police Department there is not a single Indian who is a Superintendent of Police or even an Assistant Superintendent of Police. There are 15 permanent and officiating appointments of Superintendent of Police and not one Indian is there. There are 5 Assistant Superintendents of Police, and there is not one Indian there, and I find from that list that five posts are kept vacant and have not been filled up. As far as the question of Indians and the Foreign and Political Department is concerned, it is, I am afraid, not open to me, in connection with this debate, to discuss the depth, strength and intensity of feeling that exists about the practical exclusion of Indians from the Foreign and Political Services in this country. What I submit here is, that the system of taking our judges, additional judges, additional sessions judges, city magistrates, assistant commissioners, from the Foreign and Political Department is open to grave objection. We Indians are practically excluded from the Foreign and Political Department and this Department supplies most of the highest officials in the North-West Frontier Province. Little wonder then, that there is so much dissatisfaction with the general administration of the North-West Frontier Province. I submit, Sir, that every Indian feels it, and it is for this reason that I have brought forward this motion, to bring this fact prominently before the attention of this House in the hope that something might be done to remove the legitimate grievances of the people.

As regards the remedy, —I should hesitate to express any definite opinion— it may be that the remedy lies in making the North-West Frontier Province a part of the Punjab, or it may not be so. But I venture to submit with great respect, that there cannot be much doubt that there is a dissatisfaction as regards the general administration of this Province. As regards the recruitment of officers, I am positive that there is a strong feeling that Indians, as such, are excluded from practically all higher posts in that province.

Before I sit down—I do not wish to make a long speech—I desire to remind the Honourable Members of the Declaration of August 1917, where Mr. Montagu speaks of *increasing association of Indians in every branch of the administration*. Sir, I submit, that unless some very satisfactory explanation is forthcoming, the House will be justified, it may be reluctantly, in coming to the conclusion that no effort has been made, in the North-West Frontier Province, to carry out the policy laid down in that announcement of August 1917. Surely it should not take from 1917 to 1920, to make deliberations or hold an inquiry to find out the causes. I submit, Sir, looked at from any point of view it is very difficult to uphold the system of recruitment of these officers as it prevails at present in the North-West Frontier Province. It is with the object of drawing the attention of the House to this question that I have moved this proposition, and I do venture to hope that this House will make it perfectly clear as to what it thinks about the practical exclusion of Indians from the highest branches of the administration in the North-West Frontier Province.

**Mr. Sachchidananda Sinha :** Sir, I rise to support the motion of Mr. Iswar Saran that the amount of Rs. 20,000 be reduced from the provision for the North-West Frontier Province, with a view to convey to the Government our sense of profound dissatisfaction with the administration of that province. Sir, I have taken some interest in the affairs of that province for many years past, and from time to time I have been trying to elicit information which the Government have been, in the first place, loath to give, and in the second place, when they gave the information, it did not redound to their credit. The number of raids which have been committed in that province by the trans-frontier tribes has been nothing short of a scandal. When I agitated the matter many years back, Sir Henry McMahon, who was then Foreign Secretary, declared that as the Hindus in that province formed a rich community, they offered great temptation to the frontier tribes, and so long as they continued to be so, Government would not be in a position to do much to save them from these raids—to which I felt justified in putting the supplementary question, whether the Government proposed to do anything to reduce the wealth of the Hindus so as to make them immune from these raids.

Last year, after a full consideration I tried to bring up a Resolution here that the Frontier Province be abolished and the districts be merged into the Punjab. For reasons which my learned friend, Mr. Iswar Saran, has explained, it could not be moved, but I would not be surprised if, some time later, I or some other Member brings it up in the form of a regular Resolution, as a matter of general public interest.

Here, on this particular occasion, Mr. Iswar Saran has drawn attention to the fact, that in the first place, crime has been on the increase since the province was formed, and that security of life and property has diminished—these are the allegations made by a responsible paper, the *Tribune*. I embodied this statement in the paper in the form of a question and gave the Government this morning a chance either to challenge their accuracy or to deny them. The Honourable the Law Member, who for reasons unknown to me, is in charge of the Foreign Department of the Government of India at the present time, gave some reply which I myself could not hear. He spoke in such soft dulcet tones that I could not catch his words, though I was sitting close to him, and I am not surprised that Mr. Iswar Saran did not hear him at all. He says now that he challenged the statements of the *Tribune* on behalf of the Government. It is all very nice to challenge their accuracy, but that does not satisfy me. I gave Government a further chance by asking whether, if the statements in the *Tribune* be incorrect, the Government would be pleased to lay on the table a statement showing the number of offences committed in the districts now constituting the Frontier Province and also border raids, and offences committed in the course of raids, for ten years previous to the formation of the province and since. If the Government had laid the figures on the table and the figures showed that as a matter of fact the number of crimes and raids had diminished, I might have agreed with the Honourable Law Member and held, that as a matter of fact, his challenge and denial were justified. But in the absence of the figures, which the Government have declined to lay on the table on some ground or other, I am not prepared to accept his assurances without any basis for them.

My friend, Mr. Iswar Saran, has also drawn attention to the fact that in this particular province Indians are practically excluded from all the higher

[Mr. Sachchidananda Sinha.]

Public Services. That is a very serious matter and deserves careful consideration.

I do not think I will be justified in detaining this Assembly at this late hour, but I must say that I am strongly of opinion that as a mark of our dissatisfaction we shall be perfectly justified in voting against the motion that the whole of the amount submitted to us be sanctioned, and I think the Government should know that our feeling is so strong that as an indication of it, we propose that Rs. 20,000 be omitted from the Budget.

**Dr. Nand Lal:** Sir, it was my humble self who on 2nd March raised his humble voice and I believe all Honourable Members were sympathetic with my humble self, but the Honourable Law Member, in his usual eloquent speech, gave some reasons which were accepted by a majority of this House and the unfortunate Resolution met a fate which it ought not to have met.

Let us examine the circumstances and the conditions of the Frontier Province from a logical point of view. Discussing everything with reference to logical canons, is it not a fact that there have been raids constantly? Is it not a fact that a good many women were abducted? Is it not a fact that a good many children were kidnapped? Is it not a fact that there were a number of murders after murders from day to day? Is it not a fact that a number of men residing in that unfortunate province were reduced to poverty simply on account of the diabolical acts of these raiders? Is it not a fact that a number of families were ruined on account of their depredations? Is it not a fact that the Government could not put a stop to these raids? These are all facts. Can the Honourable the Law Member challenge the correctness of these facts? I ventured to narrate the instances, quoting year, place, district and village and in some instances, I took the opportunity of giving the names even. So far as I can recollect, I am open to correction no doubt, the Honourable the Law Member did not say in so many words that the accurate account which was given in that humble speech was incorrect. If I am proud of anything, I am proud of my memory, and that memory encourages me to say that the account given by my humble self was not taken as incorrect. In any case it was not disputed. Now the facts are there and it is difficult for our kind Government to dispute the correctness thereof. Is it too much for the Honourable Mover, who has been touched with sympathy with these poor people, to urge upon the Government that this demand which is being made is excessive and this sum of Rs. 3,20,000 which is claimed should be denied? Why should we allow this sum for this sort of administration? The people are being murdered and killed. They are being reduced to poverty. Depredation after depredation, ravage after ravage and no remedy! We shall be privy to that by allowing this sum. I think we will be deemed to be participators in that crime by allowing this sum. I am in full agreement with the Honourable Mover who has very kindly taken it upon himself to move this motion before the House. This province is very grateful to Mr. Sinha who has on various occasions sympathised with these unfortunate people. Now this province has got to thank the Honourable Mover who has moved his motion before this House and the province entertains a very strong hope that all Members of this Honourable Assembly will be in full sympathy with this motion for reduction. Therefore, with these few words, considering the value of the time of this

Honourable Assembly, I support this Resolution very strongly. I am sorry if I gave the impression as that I was going to finish, but the fact is, that I want to add a few remarks. What was the policy which prompted the Government to separate the North-West Frontier from the Punjab? Well, I have not been able to lay my hand on any literature which may encourage me to say that there was any particular reason for doing so. I am in the dark about it. However, whatever that policy was, the question naturally arises whether that policy has succeeded, and if it has succeeded, to what extent it has. If that policy has failed, then my submission before this House is, that this House should urge upon the Government that this separation which was then effected owing to certain conditions has not proved a success. Therefore, this separation should be abolished and the Frontier Province should be amalgamated with the Punjab and this amalgamation will save us money. Why should we spend extra money in the payment of a certain amount of money to certain officials who are specially appointed on account of the fact that this province is separate from the Punjab. We have got our own Lahore High Court. Why should there be a Judicial Commissioner and why should there be a separate office? Why should there be a Chief Commissioner? Why should we undergo all these unnecessary expense? We would have been very glad to pay them had we got some benefit for it, but when we examine the so-called benefit, we are forced to say that it is nothing. Then shall we be called wise men if we shall allow this demand. If we desire to be called good business men, then we should be in favour of this motion for retrenchment. So far as the complaint in regard to the distribution of appointments to the officials is concerned, I am in full agreement with my learned friend, the Mover.

There ought to be a larger Indian element. We here find that the majority of the officials are from the Military Department. What justice can we expect from them? There should be a greater Indian element so far as the judicial line is concerned, and so far as the administrative line is concerned. None of the members of the Bar at Peshawar have been taken. Is it not peculiar? In other High Courts and other courts which are considered Courts of Judicial Commissioners, we find, that in some cases, the judiciary is recruited from the Bar. This province, viz., the North-West Frontier Province, is the only province where we find that this recruitment is practically denied to the members of the Bar. What is the cause? No cause. The cause is known best to the officers who claim to administer justice there. On all these grounds, I support this motion for retrenchment which speaks for itself, and I strongly submit before this House that they will be in favour of this retrenchment.

The Council then adjourned for Lunch till Ten Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock. The Honourable the President was in the Chair.

**Sir P. S. Sivaswamy Aiyer:** Sir, I wish to intervene at this stage of the debate on this question with the object of eliciting some information from the Honourable Member of the Government who is going to reply upon this motion. If the facts stated by the Honourable Mr. Iswar Saran are correct, they certainly seem to merit the sympathetic consideration of the Government. He complains that almost all the higher offices are shut out against Indians,

[ Sir Sivaswamy Aiyer.]

and that in the Foreign and Political Department no Indians are allowed. That is a complaint which I would respectfully submit deserves the consideration of Government; and I would also ask the Government to deal with the motion in a broad-minded way, not confining themselves to finical criticisms of the accuracy of the figures which have been furnished by my Honourable friend, but in a liberal and sympathetic spirit.

There are one or two points on which I should like to have some explanation. I do not know what precisely were the reasons which led to the separation of the North-West Frontier Province from the Punjab. It may be, that the unsettled state of the Frontier required an exceptional machinery of administration in certain parts of the North-West Frontier Province, but I do not know whether the whole of the North-West Frontier Province, as it has now been formed, presents any such anomalous features as to call for a special machinery or special method of administration. The facts stated by Dr. Nand Lal and the figures furnished in answer to some of his questions by the Government with regard to crimes in the North-West Frontier Province do not show that there has been any advantage to the province in regard to immunity from crimes of violence or in the matter of security. I should be glad to know whether any special advantages have followed the substitution of this special machinery for the ordinary machinery by which the North-West Frontier Province was governed during the days when it was under the Punjab Government. Have there been any special advantages following the introduction of this machinery? I am quite prepared to believe that by the constitution of a separate province more attention may perhaps be now paid to the wants of the people of that province; but the same amount of attention to their wants can be secured by the adoption of the very same civil machinery that exists in the Punjab. Has there or has there not been any advantage in the substitution of this, what I might call, abnormal, machinery for the usual machinery which was applicable to the province during the days when it remained under the Punjab Government?

**Rai Bahadur Pandit J. L. Bhargava:** Sir, I strongly support the motion now before the Assembly, not on account of the amount sought to be reduced but on account of the principle of great and vital importance which is involved in connection with it. It is really shocking to find, that very little effect, if at all, has been given to the authoritative announcement of August 1917 so far as the services in the Foreign and Political Department are concerned, though full 3½ years have elapsed since that announcement was made. The natural corollary of this omission has been, as was pointed out by the Honourable Mover, that very few Indians are found holding responsible posts in the North-West Frontier Province. This exclusion of Indians appears to me to be deliberate. I make bold to say, that this unsatisfactory state of affairs is to be much deprecated, and the sooner it is improved the better it will be for the Empire, the Government and people at large. If Indians are given their fair and proportionate share in the Foreign and Political Department, and thus given an opportunity of holding posts of responsibility in the North-West Frontier Province, one of the chief causes of dissatisfaction will be removed and good-will and harmony will prevail which will materially conduce to the public welfare.

**The Honourable Dr. T. B. Sapru:** Sir, it will be within the recollection of this House that only a few weeks ago a debate was raised by my Honourable

friend, Dr. Nand Lal, over the question of the Frontier raids; and it will also be within the recollection of this House that as a result of the debate the Resolution which he moved before this House was defeated. I do not in the slightest degree take exception to this opportunity having been availed of by my Honourable friend, Mr. Iswar Saran, and his enthusiastic supporter, Mr. Sinha, for raising this question over again before this House. So far as the question of raids is concerned, I do not think I can usefully add anything to what I said on the last occasion. The House will no doubt remember that I pointed out on that occasion that during the last few years Government have taken serious steps to reduce, as far as possible, the frequency and the severity of these raids and I also indicated in the course of my speech various steps which had been taken in that behalf. For instance, it will be within the recollection of the House that I pointed out that arms had been distributed among the villagers on a much larger scale, that the constabulary had been strengthened and that resort was being had much more frequently to motor transport so as to deal with a situation which arose quickly and suddenly at certain places on the frontier. It would be difficult for any one to lay down a hard and fast formula for dealing with these raids, because the conditions, as is well known to those who are acquainted with the North-Western Frontier, vary from point to point. The Government are fully aware of the strong feeling that exists on the subject, and let me assure the House with absolute sincerity that the Government are in entire sympathy with that feeling; and it is not as if the sympathy of the Government begins and ends with a mere profession; they have been taking steps, they are taking steps, and they are determined to take further steps for the protection of their own subjects against these raiders from across the border. If, unfortunately, these raids have been a little more frequent during the last twenty months, it is quite obvious that it is due to the after-math of the war. I pointed out on the last occasion that important negotiations were pending at the present moment in Kabul, and that we expect that the situation would considerably alter for the better as soon as those negotiations were over, and that it would be extremely imprudent for this House to take any steps which might introduce any unnecessary complications. So far, therefore, as the question of raids is concerned, I do not think that those who want to prevent these raids or to provide any effective remedy against these raids will be helping their case by reducing the grant. On the contrary, it seems to me they may defeat the very object they have in view. It seems to me, that probably the main reason which my Honourable friend, Mr. Iswar Saran, had in view in raising this debate, was a question of principle; and that was, that in his opinion it was unjust and unfair that Indians as a body should be excluded from foreign and political service. Now, so far as that is concerned, I have two replies to give. In the first place, I am surprised that my friend, whose utterances are generally characterised by accuracy, should have been so inaccurate and put this case so high as that. I shall rely upon the very document on which he relied, the Civil List of the North-West Frontier Province, corrected up to the 1st October 1920; and if any Honourable Member will care to turn to page 5 of that book, he will find, that there is one Divisional Judge there, namely, Khan Bahadur Muhammad Abdul Karim Khan; there are at least four Indian District Judges there. Then, my Honourable friend said, 'Oh! But look at the Police Department. There is not a single Indian there, occupying the position of Superintendent or Deputy Superintendent . . .'

**Munshi Iswar Saran:** Assistant Superintendent.

**The Honourable Dr. T. B. Sapru:** Now allow me to point out that this is not so. If you will only turn to page 49 of this same book, you will find, that the Superintendent of Police of Kohat is a gentleman of the name of Talia Muhammad Rana, and the Deputy Superintendent of the same district is Khan Sahib Muhammad Amir Khan Arbab. So, strictly speaking, my Honourable friend's statement with regard to the exclusion of Indians from the higher appointments in the North-West Frontier Province was not quite accurate. Apart from that, if you will only care to study this book carefully, as I have been studying it, you will find that there are a number of Indians occupying the position of Revenue Assistants, Judicial Extra Assistant Commissioners, Assistant Political Officers, Temporary Judicial Extra Assistant Commissioners, Treasury Officers, Officers on special duty, and so on; I have not actually calculated their number, but the whole page is full of them except for two or four European names. I would also venture to point out, that even in the Secretariat of the North-West Frontier Province, you have an Indian gentleman occupying the position of Assistant Financial Secretary—I am referring to Bhai Sunder Singh. I am only referring to these things with a view to point out, that the impression created on the mind of the House by my Honourable friend's speech ought not to go unchallenged. At the same time I am willing to confess—though unfortunately my Honourable friend did not put this case that way—that it is true, that so far as other branches of the political service are concerned, for instance, the appointments of residents and assistant residents, agents or assistant agents, my Honourable friend may have a legitimate grievance. With regard to that I am authorised to state on behalf of Government, that the principle of taking Indians into those higher appointments in the Political and Foreign service has been conceded by the Government and that a scheme is being prepared which, when it is ready, will, I venture to think, afford every satisfaction to this House and to the outside public. I do not wish to go into the details of that scheme because we are not yet ready with the scheme, but the Assembly may take it from me that so far as the principle is concerned, it has been amply conceded, and my Honourable friends need have no apprehension with regard to that matter. I hope, therefore, that I have succeeded in showing that whatever might have been the position of Indians with regard to the Foreign and Political Department in the past, the position that is going to be assigned to them in the future would be commensurate with the reasonable aspirations and ambitions of my countrymen. I therefore do not wish to elaborate this point any further.

Now, there are just one or two other points to which I would invite the attention of the House.

Now, my Honourable friend, Mr. Sinha, and the Mover himself referred to a question which was put to this House and which I had the honour of replying. I do not blame them, perhaps I am more to blame, if my Honourable friend, Mr. Sinha, who sits close by me and my Honourable friend, Mr. Iswar Saran, did not hear me when answering that question this morning. Well, if they did not hear me, then, I hope, they will allow me to read out that answer to them now, and that is my answer to that part of the criticism which was levelled by my Honourable friend, Mr. Sinha. Referring to a certain article in the *Tribune* and without specifying any particular items to which Mr. Sinha might have invited the attention of the Government, he asked whether it was correct, as was alleged in the *Tribune* of Lahore, that there has been practically a steady increase of crime in the Frontier

Province since the partition of the Punjab, and that there was greater security of life and property when the Frontier Province was part of the Punjab than there is now. The answer that I gave this morning was as follows :

‘ Government believe the reverse to be the case. The Honourable Member will no doubt appreciate that the conditions during the last twenty months have been abnormal owing to the after-math of frontier troubles set up by the Afghan war.’

Then the second part of my answer was :

‘ As the statistics for the ten years previous to the formation of the North-West Frontier Province are not available, a comparative statement cannot be furnished.’

It will be observed that the question which my Honourable friend, Mr. Sinha, framed, was based upon an allegation in the *Tribune*, which was to the effect, that there was practically a steady increase of crime in the frontier province since the partition of the Punjab. That the Government are not prepared to accept, in that naked form. Again, it would not be fair to compare the conditions of 20 years back with the conditions that prevail at present, conditions which have been complicated by the frontier war and by the general unrest which prevails throughout the world and which has affected even those regions. Unfortunately, as I pointed out in the course of my reply in the morning, the statistics for the ten years previous to the partition of the North-West Frontier Province are not available, and, therefore, so far as the Government are concerned, they have no data on which they can base an affirmative reply. All that they can say, however, of the general conditions prevailing in the North-West Frontier Province is, that they believe the reverse to be the case. If my Honourable friend, Mr. Sinha, had made a reference to any statistics which were available to him and which were not available to Government, or which were available to the *Tribune*, we might possibly have been able to examine them. But every lawyer knows, and my Honourable friend, Mr. Cardley Norton, will bear me out, that there is a good deal of ambiguity about the use of the word ‘practically.’ I will ask the House again to hear the statement in the *Tribune* which said that ‘there has been ‘practically’ a steady increase of crime in the frontier province on the partition of the Punjab’. The case which this paper put has, to my mind, been considerably weakened by the use of the word ‘practically.’ Therefore, when you put a case in such ambiguous and vague language, I venture to submit, it is not fair to ask the Government to give an affirmative reply and all that they can say is, that they believe that that is not so or that it is so. In the present case, the Government are persuaded that the statement which has appeared in the *Tribune* has been put too high, and, therefore, they are not prepared to accept it.

Now, so far as my Honourable friend, Dr. Nand Lal, is concerned, without meaning any disrespect to him, I would venture to submit to the House, that while he might have added to the stock of our knowledge on the former occasion, he has not made a substantial contribution to-day by repeating those very things, and, therefore, it is not necessary for me to examine the various statements or allegations which he made this morning.

So far as the general question is concerned, the position that I take on behalf of the Government to-day is exactly the same as I took two weeks ago. But there is only one question which remains for me to answer, and that is a question which was put by my Honourable friend, Sir Sivaswamy Aiyer.



[Dr. T. B. Saprú.]

He asked me as to why it was that the North West Frontier Province was separated from the Punjab. I think I can best answer his question by referring to an important State document which completely answers this question. Dealing with the question of separation of the North-West Frontier Province from the Punjab, it was stated by His Excellency Lord Curzon about that time,—I hope the House will bear with me when I read this paragraph :

\* Now in India, foreign affairs—while they embrace many intricate and important questions concerning Native States, and while, in the sphere of external policy, they include our relations with China in Yunan, with Tibet, with Afghanistan, with Muskat, with the Arab tribes in the Aden Protectorate, and with the Persian Gulf—in the main arise out of, or are connected with, the Frontier tribes and problems; whilst, if we take the whole of the land frontiers of India, from the Shan States on the extreme east to the borders of Persian Baluchistan on the extreme west, the most critical, most anxious, and most explosive section of the entire Frontiers is that between the Swat river and the Gomal valley, or precisely the section which is handed over to the Punjab Government. Upon this stretch of boundary, inhabited by the most numerous, fanatical, and turbulent of the Pathan tribes, the Foreign Minister of India, who is also the Viceroy, cannot issue an order, or make an appointment, except through the medium of the Punjab Government; nay, he cannot—with certain exceptions, hereafter to be noted,—make an appointment at all. The Commissioners and Deputy Commissioners, the Political Officers and Commandants of Border Police, in whose hands rests the entire local responsibility upon the Frontier, are nominated, not by him, but by the Lieutenant Governor. The Chief Secretary to the Punjab Government, who is the principal adviser of the Lieutenant Governor, is selected, without reference to the Viceroy, by the latter. The Viceroy cannot even remove an indifferent or unsuitable official; since promotion in the Punjab is regulated by the conditions of a service of which not he, but the Lieutenant Governor, is the efficient head. If a debate arises in Parliament as to a Frontier outbreak, or a tribal expedition, it will be the Viceroy, and the Viceroy alone, who will be held accountable. Public opinion censures him for failure, or congratulates him upon success. To a certain extent, public opinion is right; since, owing to circumstances to which I shall presently allude, the Local Government ventures upon few steps of any importance without reference to the higher authority. But among those who held up the head of the Government of India to praise or to blame, how many are there who know that he has been working throughout, not through his own agents, but through those of another Government, that at each stage he has required to carry the assent of a subordinate but withal most influential authority, and that in all probability in the early stages of most Frontier disturbances spring from small beginnings, he has had neither responsibility, knowledge nor information? I venture to affirm that there is not another country or Government in the world which adopts a system so irrational in theory, so bizarre in practice, as to interpose between its Foreign Minister and his most important sphere of activity, the barrier, not of a subordinate official, but of a subordinate Government, on the mere geographical plea that the latter resides in closer proximity to the scene of action—a plea which itself breaks down when it is remembered that for five months in the year the Supreme and the Local Governments are both located at the same spot, Simla.

I am sure, that the House will be gratified when I say that a further scheme for giving representation to certain portions of the North-West Frontier Province is under consideration, and when that scheme is ready and promulgated, I am sure there will be every occasion for satisfaction with it. It is not open to me to go into the details of that scheme at the present moment; it is enough for me to say that the Government are giving the utmost possible consideration to the whole question of the administration of the North-West Frontier Province, and if you will only give us some little time, we hope to show that the Government have been very serious about this matter.

There are only one or two more points with which I shall deal before resuming my seat. I am sorry, that I overlooked one fact when I was dealing with the question of the employment of Indians in the North-West Frontier

Province and perhaps you will allow me now to mention that. Only last year one Indian from the North-West Frontier Province was sent up for appointment to the Indian Civil Service with the sole object of employing him in the Indian Civil Service. Then, at least one, if not two Indians are going to be appointed in the North-West Frontier Province and one in Baluchistan in the Police Department as Assistant Superintendents of Police. So, I venture to hope that the House will feel that the Government has not been stationary so far as this matter is concerned.

Now there is only one other point to which I will refer and that is the condition of the North-West Frontier Province in regard to Education. It might be useful to point out that since 1901-02 the number of pupils of schools in the Punjab has increased by 131·3 per cent. while in the North-West Frontier Province the increase is 215·4 per cent. These figures take you up to 1916-17. It will also be interesting to the House to know the percentage of increase in expenditure from the provincial revenues upon education; taking 1911-12 and 1916-17, it is as follows:

Punjab 36·4 per cent.

North-West Frontier Province 191·9 per cent.

So that as far as the educational side of the Province is concerned, I am sure it will be recognised—as it is recognised by everyone interested in education—that the North-West Frontier Province has made considerable strides in regard to education, and it is a factor in the administration of the Province which cannot possibly be ignored, or minimised. I may also state that in the North-West Frontier Province the vernacular education, both primary and middle, is absolutely free. It will thus seem that, so far as the Government are concerned, they have taken the most anxious steps they could in the circumstances existing there. It is perfectly true, that there is a great deal more to be done for the security of our countrymen there; but let me assure you that the Government are fully alive to their responsibility in this matter and are anxious to do what they can with the co-operation of all concerned. It will be within the recollection of this House that on the last occasion when I replied to Dr. Nand Lal, I made a very good offer which was rejected with scorn, and it was criticised as being something in the nature of a Machiavellian design. Now, let me assure the House, it was a most sincere offer and if my friends who are interested in the question of the North-West Frontier Province will again accept that offer, it is there. We are willing to take you into our confidence and to place all our cards on the table and to tell you what steps have been taken and what steps we propose to take for the protection of Indians there. Therefore, I would put it to the House, assuming that the object is that greater protection should be afforded to Indians in the North-West Frontier Province, are you serving that objection by reducing the grant or are you defeating that object? It is not a question of defeating the grant; it is really a question of making the administration more efficient. Therefore, so far from serving that object, I venture to think, that you are defeating it. I will only venture to submit that the whole problem of the North-West Frontier Province is a problem of a financial character. So far from our having spent much money—as is supposed in certain quarters—I venture to think, that if we were to spend a little more we might possibly bring disturbing factors more effectively under control and it is therefore for the House to consider whether it will accept the motion of my Honourable friend, Mr. Iswar Saran,

[Dr. T. B. Sapru.]

in the interests of Indians there, or whether it will reject it. I venture to hope, it will reject it.

**Munshi Iswar Saran :** Sir, if the House will allow me, I shall make an amendment. What I beg to propose is, that the provision of Rs. 3,20,000 for General Administration be reduced by Rs. 20,000. My object is to concentrate the attention of the House on the question of principle to which I have drawn your attention. I wish, Sir, the House will allow me, to reduce the grant only by Rs. 1,000, so that there may be no doubt with regard to the object I have in view. I do not by any means wish to reduce the amount and to embarrass the administration in the North-West Frontier Province. The House will kindly remember that at the very outset I said that my object was not to reduce the grant but to vindicate a principle. If the House will allow me, I will reduce the demand by Rs. 1,000 only.

**The Honourable the President :** Will the Honourable Member move that as an amendment to Munshi Iswar Saran's motion ?

**Chaudhuri Shahab-ud-Din :** Sir, if the House has no objection, that can be put to it. But I stand to oppose his motion. Therefore, I hope, I may be allowed to have my say. I am against the reduction even of a pie.

**The Honourable the President :** May I ask if the Honourable Member has leave of the House to withdraw his motion in its original form ?

The motion was, by leave of the Assembly, withdrawn.

**The Honourable the President :** The motion for reduction then is moved in the amended form :

‘That the provision of Rs. 3,20,000 for General Administration be reduced by one thousand rupees.’

**Chaudhuri Shahab-ud-Din :** Sir, had I addressed this House before its adjournment at about 2 O'clock, very possibly I might have supported the Honourable Munshi Iswar Saran. I have given a very careful consideration to the question of principle, in the name of which the debate was opened by the Honourable Member. When the North-West Frontier Province was separated from the Punjab, every thinking man in the land was of opinion that that was a retrograde step. Ever since the commencement of British rule in India, the North-West Frontier Province or the districts comprising that Province, formed part of the Punjab and remained under one and the same administration. But, since 1901, when the separation took place, the administration was also separated and since then this province has remained under a separate administration. The *prima facie* object of the separation, to all intents and purposes, was to improve the efficiency of the administration of that province and not to place that province under a rule of iron. There were dacoities, there were raids, there were depredations even before the separation was effected, and I must frankly admit, that these raids have not stopped, on the other hand, it is quite possible that they have increased recently. But the question is not whether they have increased. Let us assume for the sake of argument that they have increased. What are the causes of increase ? Dr. Nand Lal proposed the other day in this House that a special or a select committee of a few Members of this House should be appointed to go from place to place to make an inquiry and ascertain the true causes. I think, every man who knows Yaghistan, i.e., the territory beyond the North-West Frontier Province, knows the causes. That long hill tract extending over a length of

about 1,100 miles and ranging in width from 4 to 20 miles does not produce sufficient to maintain the inhabitants of that tract. Thus, poverty is the cause of all these raids. They want food; they want something to eat; their own territory does not yield enough. They are compelled, therefore, to commit the crimes which are attributed to them. I have been to that territory. I have seen a part of it, not the whole of it, not only once but several times. That, to my mind, is the cause. There might be other causes as well, but that is the chief and the main cause. I was opposed to Dr. Nand Lal's Resolution because the causes were known and only the remedy was needed. I presume the Government, with the object of improving the administration of the North-Western Provinces, sought that remedy in the shape of its separation in 1901 from the Punjab and that remedy has been used for so many years. Now, let us see whether that remedy has proved effectual or otherwise. As a Punjabi, I am as much in contact with that province as Dr. Nand Lal or any other Honourable Member who comes from the Punjab. Crime in the North-West Frontier Province has undoubtedly increased of late. But it has increased not only in that province but also increased to a certain extent in the Punjab. I mean crime of a certain kind, such as dacoities. Will Dr. Nand Lal or any other Honourable Member in this House contradict me and say that dacoities and similar offences, which are committed in the North-West Frontier Province, are not now larger in number in the Punjab than before? Economic causes, the consequences of the war, poverty, all these have resulted in the increase of crime. Now, if the Government is directly responsible for the increase of crime, let us certainly vote against Government and suggest some other remedy. But I for one do not think that it is the separation of the North-Western Provinces from the Punjab that has given rise to the present condition. It is due to other causes. If the Government have failed in administering the province efficiently, then, of course, we must vote against Government. But the Government so far as I know have been doing and are doing their very best. I am not one of those who in season and out of season attacks Government solely because they are the Government. Let us be fair to Government. Government are administering the province to the best of their ability. The administration is there. If the complaint is that the Indian element can administer that province better than the European element, that is a definite complaint. Let it be put forward as such and let the Government meet it. If I am not mistaken, one of the highest men in that province, if I remember his name rightly, is Sir Abdul Qayum Khan. He is one of the topmost men in the province and is in the Political Department. I remember only his name, as I happen to know him personally. If Honourable Members were to see that province, they will change their opinion—especially if they see the trans-Frontier Province, that is, the tract beyond the North-West Frontier Province. The inhabitants of that tract do not care for A, B or C. They care either for money or for the bullet. They care for nothing else. Either give them money or give them the bullet. That is the only remedy if you want peace and safety. I do not think there is anything intermediate between these two. So it is with a high hand that the Government have to administer that province. We should not discuss this very serious subject lightly. We should accept the offer which has been made by the Honourable Dr. Sapru of a round table conference. The matter is a serious one. Once I also was of opinion that that province should be amalgamated with the Punjab. But my opinion has changed. Will amalgamation remove the serious condition of crime in that province? I for one do not think so.

[Chaudhuri Shahab-ud-Din.]

Opinions differ. I hold one opinion. Dr. Nand Lal holds another. I may be wrong, but the future will prove whether I am wrong or he is wrong. With these remarks I support the grant as it is, and oppose the amendment made by the Honourable Mr. Iswar Saran.

**Khan Bahadur Sarfaraz Hussain Khan :** When I heard my Honourable Colleague, Mr. Iswar Saran, and my Honourable friend, Mr. Sinha, on the question of Indianisation of services in the Frontier Province, I felt inclined to support them. But having heard the Honourable the Law Member and my Honourable friend, Mr. Chaudhuri Shahab-ud-Din, I am positively of opinion that this amendment should not be accepted. What I say is, that even if this deduction be made, it would not serve any useful purpose. The point for consideration now is, not whether the North-West Frontier Province should be amalgamated with the Punjab or the Government services should be more Indianised there, but whether this demand should be deducted or reduced by any amount, and whether the deduction of 2,000, or 5,000 or 6,000 rupees, or any other amount will minimise the chances of raids, abduction, etc. If that be not the case, what is the use of deduction? Have we come here simply to criticise and make deductions? That should never be. We should criticise Government when there is room for criticism; but should co-operate with it where there is necessity for co-operation. I, therefore, strongly oppose this reduction, and am of opinion that there should be no deduction.

**Sardar Bahadur Gajjan Singh :** Sir, I rise to oppose the reduction in the demand. There is absolutely no doubt that the problem is very very difficult. There are special circumstances which have been detailed by the Honourable Dr. Sapru. We have been hearing of these raids for a very long time and Government has already been doing their utmost to stop them. I have no doubt that Dr. Nand Lal missed a golden opportunity of discussing this matter at a round table conference as is suggested by the Honourable Law Member. I strongly advise the Mover of this Resolution again to accept the offer and discuss the matter there. We can all offer suggestions of improvement and then see what the Government does. It will again be open to us to move any Resolution condemning the administration of the North-West Frontier Province. But as long as the Government is prepared to do everything in their power to put a stop to these things, I think, we should not harass them or put difficulties in their way. We should strengthen the hands of Government as far as we can. I am strongly of opinion that in politics there is nothing better than compromise. Let us discuss the matter with the Honourable Law Member and the Commander-in-Chief, and then let us see what the Members of Government do to remove the complaints. It appears from the speech of the Honourable Dr. Sapru that the Government of India are more anxious than ourselves to remove the grievances of our fellow-countrymen in the North-West Frontier Province, but the question is, as I have said, difficult. Let us try to compromise again, and disallow this motion.

**Mr. N. M. Joshi :** I propose, Sir, that the question be now put.

**The Honourable the President :** The question is :

‘That the question now be put.’

The motion was adopted.

**Munshi Iswar Saran :** May I have a right of reply ?

**The Honourable the President :** The debate has gone on at some length, and I think the subject has been pretty well discussed.

**Munshi Iswar Saran :** I beg you to give me an opportunity of replying particularly in view of the importance of the question that has been raised.

**The Honourable the President :** The Honourable Member will have a further opportunity, if he wishes to exercise his right, when the main question is put.

(Munshi Iswar Saran again stood up in his place.)

I may point out to the Honourable Member that as the debate was drawing to an end, I did not see him rise in his place.

**Munshi Iswar Saran :** I shall be sorry to contradict you, but I was standing before the gentleman who proposed that the question be put stood up.

**The Honourable the President :** I did not observe the Honourable Member rise.

**The Honourable the President :** The question is :

‘ That the provision of Rs. 3,20,000 for General Administration be reduced by Rs. 1,000.’

The motion was negatived.

**Munshi Iswar Saran :** Having regard to the fate that my first motion has met with, I think, not as a matter of compromise or surrender, but on the principle that prudence is the better part of valour, I withdraw my amendment.

**The Honourable the President :** Does that apply to both the amendments for reduction ?

**Munshi Iswar Saran :** It applies only to item No. 6.\*

The motion was, by leave of the Assembly, withdrawn.

**Munshi Iswar Saran :** Sir, I had put down motion No. 7† only with the object of seeking a little information. I find from the Report of the Indian Jails Committee which has been issued to us that there is no convict settlement in the North-West Frontier Province. Now I see there is provision for jails and convict settlements. I just wish to know, if there is no convict settlement there, why is it that we are asked to grant the demand for jails and convict settlements ?

**The Honourable Mr. W. M. Hailey :** I can give the information ; it is practically an accounts matter. ‘ Jails and Convict Settlements ’ is the accounts head under which we put all expenditure on jails and on convict settlements. The only expenditure in the North-West Frontier Province is that on jails, and the ‘ Convict Settlements ’ are only added because this is the correct title of the account heading.

**Munshi Iswar Saran :** May I take it, Sir, that the Report is quite correct in saying that there is no [convict settlement in the North-West Frontier Province ?

\*No. 6.—‘ That the provision of Rs. 7,35,000 for ‘ Administration of Justice ’ be reduced by Rs. 30,000.’

†No. 7.—‘ That the provision of Rs. 5,15,000 for ‘ Jails and Convict Settlements ’ be reduced by Rs. 50,000.’

**The Honourable Mr. W. M. Hailey:** Quite so.

**Munshi Iswar Saran:** Having got this information, I do not wish to press this motion, but with your permission, I would take one or two observations and they are these. I do not know, Sir, if many Members of this House have had an opportunity of studying this bulky report of the Indian Jails Committee which was sent on to us by the Home Department only a few days ago.

**The Honourable the President:** If the Honourable Member wishes to discuss them, he had better move his motion for reduction.

**Munshi Iswar Saran:** I move :

‘That the provision of Rs. 5,15,000 for Jails and Convict Settlements be reduced by Rs. 50,000.’

As far as this report is concerned, Sir, I venture to think that it is a strong censure of the jail administration throughout India including the North-West Frontier Province. If we turn to page 31 of this Report, this is what we find :

‘It is certain that Indian prison administration has somewhat lagged behind on the reformative side of prison work.

‘It has failed so far to regard the prisoner as an individual and has conceived of him rather as a unit in the jail administrative machinery. It has a little lost sight of the effect which humanising and civilising influences might have had on the mind of the individual prisoner and has fixed its attention on his material welfare, his diet, health and labour. Little attention has been paid to the possibility of moral or intellectual improvement. In consequence, while the results of the Indian prison treatment are admitted generally to be deterrent, they are not generally regarded as reformatory. Witness after witness from almost every province in India has with singular unanimity declared that Indian Jails do not exercise a good or healthy influence on their inmates, that they tend to harden if not to degrade, and that most men come out of prison worse than they went in.’

**The Honourable the President:** The general question regarding the administration of jails in India ought to have been taken up under Demand No. 17, when it was put as a specific proposal. In this case, the Honourable Member is bringing in by a side wind a question which affects the general administration of India and not simply the administration of the North-West Frontier Province. If he will confine his remarks to anything the Report has to say about the North-West Frontier Province, he will be in order, but to roam generally, over the question of the administration of Indian Jails, is not in order.

**Munshi Iswar Saran:** If your ruling is that I am not to discuss upon all those conditions which apply equally to the jails in the North-West Frontier Province in common with the jails in other parts of the country, in that case, I shall not press this motion. If that be your ruling, I shall bow to it.

**The Honourable Sir William Vincent:** I should be glad of the opportunity of making a statement of the policy of Government in regard to this Jail Commission's Report, if the Honourable Member is in order in moving this motion. I have no objection whatever to his doing so.

**The Honourable the President:** What I put to the Honourable Member was that the proper occasion for raising any question of principle involved in the administration of Indian jails was under Demand No. 17, a vote which is in charge of the Home Department. In this case he is trying

to introduce a general subject under a particular heading, and that is what I rule as not being in order. I added as a rider to my ruling, that if the Honourable Member finds an application of the principles of that Report to the specific circumstances of the North-West Frontier Province, then he is in order.

**Munshi Iswar Saran :** In view of your ruling, Sir, I need not press my motion; I withdraw it.

The motion was, by leave of the Assembly, withdrawn.

**Babu J. N. Mukherjea :** Sir, I venture to place this motion before the House because the question of the North-West Frontier Province has been before the public for some time. My motion does not relate to the wider question which has been just discussed, but to a part of that question and it is :

‘That the demand under sub-head forest timber (page 246) amounting to Rs. 3,72,405 under head forest timber be reduced by Rs. 72,405.’

Now, Sir, my point is that we all here, all Members of this House equally with myself, are labouring under a disadvantage which the Budget in the form in which it has been presented has given rise to, namely, that it is not a balanced account. Certain demands are made for purposes of expenditure, but we do not know in such cases whether the outlay is productive or not, and how much of it is expected to yield or return; if so, to what extent. In the present case, there has been a large increase in the Budget of about a lakh and a quarter upon the figure for the last year.

The last revised estimate under this sub-head was Rs. 2,47,000 and the proposed Budget estimate is Rs. 3,72,000 which gives an increase of a lakh and a quarter, for which however no explanation is to be found.

Now what strikes an outsider is this, that arrangements might have been locally made to ensure the removal of the timber cut, from the forests, without any expenditure on the part of Government. Instead of that we find the Government has gone in for a large outlay of money for such removal. Then, we do not find any thing as regards the sale of the timber cut. Therefore, I want to know, Sir, under what policy and with what expectations Government has been led to increase the expenses under this head from Rs. 2,47,000 to Rs. 3,72,405. It is certainly a striking increase but involves a very simple question to answer. It does not touch any consideration or the larger questions that have been discussed to-day.

**The Honourable Mr. W. M. Hailey :** Perhaps, Sir, it would be a sufficient answer to the Honourable Member if I gave the exact figures of what we expect to get from the Forests in the North-West Frontier Province. In the revised estimate last year we were to spend Rs. 4,50,000 and get Rs. 3,50,000; but partly owing to the change of system to which the Honourable Member refers, we are expecting in the coming year to spend Rs. 6,98,000 and to receive Rs. 8,02,000. It is, therefore, hoped that the increase of expenditure will be accompanied by a very considerable increase in revenue also.

**Babu J. N. Mukherjea :** Under these circumstances, Sir, I have no wish to proceed with my amendment, and I beg leave to withdraw it.

The motion was, by leave of the Assembly, withdrawn.



**Mr. Piyari Lal Misra :** Sir, my motion is :

‘That the provision of Rs. 67,180 (page 246) be reduced by Rs. 25,000.’

I can easily anticipate the result of this motion, because I thoroughly know the atmosphere with which this House is charged. But I am entitled to some information as to why in the year 1919-20 the figure for buildings was about Rs. 7,900 and now within two years it has sprung up to Rs. 67,000, that is, 9 times the amount in 1919-20? Then, I don't know for what purpose these buildings are required. It is not clear whether they are required for the habitation of forest officials or for any other purpose, and at the same time the amount to me appears to be a very heavy one. In 1920-21, the amount was only Rs. 23,000. Now, it is about three times as much. Therefore, Sir, as the reduction I pray for is only Rs. 25,000, there will still be left more than Rs. 40,000 for buildings which may be under construction. I commend the motion to the House.

**The Honourable Mr. W. M. Hailey :** The expenditure, Sir, of Rs. 67,180 is connected entirely with the measure to which I referred a few minutes ago, namely, the steps which we are taking to bring forest exploitation under our direct management, as I said we thereby expect to receive considerably enhanced profits. It is necessary to put up a certain number of buildings, such as godowns, store-houses and the like, and that expenditure is entirely for that purpose. We may, therefore, regard it as being of a productive nature.

**Mr. Piyari Lal Misra :** I withdraw my motion, Sir.

The motion was, by leave of the Assembly, withdrawn.

**Babu J. N. Mukherjea :** Sir, the next three items\* all belong to the same category. We find that under the first head ‘Irrigation’ (page 249) there is a very large increase on account of establishment. The revised estimate for 1920-21 amounted to Rs. 3,94,000, and the Budget proposes to put it down for next year at Rs. 6,13,000. This large increase in the establishment charges seems to be rather out of proportion to previous figures. Similar conditions exist with reference to the sub-head house-rent and other allowances (page 260) as also under sub-head clothing; and I should very much like to have an official explanation on these points. The three items in question can be dealt with at once and at the same time and I shall be glad with the leave of President to withdraw them upon the assurance which has been given to this House on behalf of Government.

**Sir Sydney Crookshank :** Sir, I am very grateful indeed to the Honourable Member who has put forward this motion for having drawn my attention to what is apparently a very great increase in the cost of establishment in connection with capital accounts kept for irrigation works in the North-West Frontier Province. The difference between the figures for the Revised Estimate for 1920-21 and the Budget Estimate for 1921-22 he refers to amounts to a net increase of Rs. 2.19 lakhs. But, I would point out to him, that an increase in the expenditure under capital relieves the revenue account of charges which it would otherwise have to bear; and it has so happened in 1920-21; so that if the Honourable Member would kindly refer to Demand No. 52 at page 359, he will find against the item establishment, North-West Frontier Province, that there has been a decrease from Rs. 2,31,000 to Rs. 95,000, that is to say, a decrease of Rs. 1.36 lakhs under

the same headings. An amount of Rs. 1.39 lakhs is, therefore, merely a matter of transfer and of book adjustment. The net difference, however, of Rs. .8 lakh, between the figures Rs. 2.1 lakhs excess at page 249 and Rs. 1.39 lakhs decrease at page 359 can be explained by the fact that there have been re-organisations in the Public Works Departments, consequent on the introduction of the provincial service; and that there have been certain increases in the salaries of officers and subordinates, and as I do not think the increase of Rs. .8 lakh can be altogether justified, I am very glad to have this opportunity to look into the position generally and see what can be done to effect a reduction. It may be, that the establishment employed has grown older and is receiving more pay in consequence and that it may be more profitable to employ less senior officers at lower rates of pay for the execution of the irrigation works in the North-West Frontier Province. If, therefore, the Honourable Member will withdraw his motion on the understanding that I will look into the question from the departmental point of view, I hope he will receive the permission of the House to do so.

**Babu J. N. Mukherjea :** Sir, under the assurance given by the Honourable Member, I beg to withdraw my motion.

**Sardar Gulab Singh :** I move, Sir :

‘That the demand under head North-West Frontier Province be reduced by Rs. 5,00,000.’

Sir, as the Honourable the Law Member has fully explained the position and has dealt with the points that I had in mind, I beg leave to withdraw my motion.

The motion was by leave of the Assembly, withdrawn.

**The Honourable the President :** The question is :

‘That a sum not exceeding Rs. 1,43,54,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 for the administration of the North-West Frontier Province.’

**Mr. Jamnadas Dwarkadas :** Sir, before this item is put to the vote, I shall be obliged if the Honourable the Finance Member will give me some information on the item under the heading ‘Demand No. 48, North-West Frontier Province.’ At page 238, the expenditure on land revenue amounts to Rs. 11,37,000 while on page 14 of the Memorandum explaining the details of the Estimates I find, that the revenue amounts to Rs. 21,32,000. The revenue is 11 lakhs while the expenditure is 21 lakhs, that is the expenditure is more than 50 per cent. of the revenue. Will the Honourable the Finance Member be good enough to give some information on this point?

**The Honourable Mr. W. M. Hailey :** Sir, we charge the head land revenue a great deal more than is merely concerned in the collection of the revenue itself. There are a large number of so-called revenue officials, such as Tashildars, as they would be in the North-West Frontier Province. Extra Assistant Commissioners, and the like, who discharge functions which are of a miscellaneous nature; they include general executive work, and indeed in many cases also of a minor judicial and magisterial work. Their pay however goes down to the head land revenue. That is the explanation why the expenditure appears so heavy a proportion to the land revenue receipts. In fact, I think, I am right in saying that even the Deputy Commissioners in the province are charged to the head land revenue, if not wholly, at least as regards a very considerable proportion of their pay.

**Munshi Iswar Saran:** Shall I be in order, Sir, if I reply to the observations that were made by the Honourable the Law Member? If I shall not be in order, I shall not speak.

**The Honourable the President:** The Honourable Member must know quite well that the whole debate is open on the main question.

**Munshi Iswar Saran:** Sir, I am exceedingly obliged to the Honourable the Law Member for having paid me the compliment that my speeches are generally accurate, but he says that on the present occasion I have been guilty of an inaccuracy. Sir, I am anxious, I must tell the House, that I should not commit inaccuracies. As regards my facts, I am very particular that I should state them with strict accuracy.

The Honourable Law Member says,—here is a Divisional Judge, there are district judges, and so on. In the first place, this House is aware that a Divisional Judge in the North-West Frontier Province is like a District Judge in other provinces, say in Bengal, the United Provinces, Madras or Bombay. A District Judge, as I understand—I speak subject to correction—is like a first class Subordinate Judge. I hope the Honourable Law Member will be pleased to bear in mind the words I used when I moved my Resolution. I said, that as far as the higher posts were concerned, no Indians were found holding them. Now, Sir, as regards the post of the Khan Bahadur who is shown as a Divisional Judge in the Civil List, if the Honourable Law Member will be pleased to refer to the bottom of the page on which his name appears, he will find that that post is reserved for the Political Department and this House will bear in mind that the Foreign and Political Department is practically closed against us. Am I then not right, Sir, in saying that this gentleman might have been appointed for some reason quite exceptional, recently or for some temporary period, and exceptions do not prove the rule?

As regards District Judges, yes, there are two or three District Judges, there are Extra Assistant Commissioners, there are Assistant Secretaries, etc. All that I do admit, but the gravamen of my charge is, so far as the *higher* posts were concerned, Indians are not appointed to them. Further, the Honourable Law Member says, ‘Oh, look, there is one Superintendent of Police’. Sir, if the Honourable Law Member will kindly refer to the list which is given in that Civil List, under the heading ‘Graded list of officers in the Police Department,’ I do not think he will find the name of this gentleman there. I may say, that the reason why I did not mention his name was, that it was not to be found in the list of Superintendents. I submit, this is not an inaccuracy; but granting that it is, the real position to which I have invited the attention of this House remains true. As far as the *higher* posts in the North-West Frontier Province are concerned, there are practically no Indians amongst them. The Honourable Law Member says, ‘Oh, we have sent one man from the North-West Frontier Province to qualify for the Indian Civil Service; this year we may send one or two—’ he was not quite sure himself—‘one or two men to qualify themselves for the post of Assistant Superintendents of Police.’

**The Honourable Dr. T. B. Sapru:** I rise to a point of order, Sir. I did not say this year we may send. I said, we have already sent.

**Munshi Iswar Saran:** I beg your pardon. They have already sent one or two men for the Police Department. What magnificent generosity!

I suppose, on behalf of Government, the Honourable the Law Member expects us to go down on our knees and say 'Oh ! we are filled with gratitude, and admiration for this magnificent generosity of a benevolent Government.' I will tell the Government in clear and emphatic language, that the sending of one man for the Indian Civil Service and one or two for the Police Department is utterly insufficient. If they think, that this will satisfy the growing aspirations of the people, they are sadly mistaken. Sir, this tinkering will not do. One gentleman talks about compromise. Yes, I am sometimes in favour of compromise, but I do make a difference between compromise and surrender. I am against surrender ; but I am for compromise. Where is the reason for compromise when a Member of the Government actually rises and says that one man has been sent to the Indian Civil Service and one or two to the Police Department, and his remark implies that this should satisfy us. If the Honourable Member will look at the list of members in the Foreign and Political Department who are in the public services in the North-West Frontier Province, the injustice against which I am complaining, will become perfectly manifest.

Then, Sir, I was grateful to the Honourable the Law Member when he told the House that the Government were taking steps to take more Indians into the Foreign and Political Services.

**The Honourable Dr. T. B. Sapru :** May I rise to a point of order, Sir ; what I did say was, that so far as appointments, such as Residents or Assistant Residents were concerned, the Government had conceded the principle. But I want to explain, that it is the usual custom to have District Judges and Divisional Judges of the Foreign and Political Department on the cadre for Political Services. If the Honourable Member will bear that in mind, he will probably not be so eloquent.

**Munshi Iswar Saran :** Sir, eloquence is a matter of temperament. Moreover, what one man may consider to be a question of a grave character, another man might consider to be of no great consequence. I do submit, that this is a matter of principle—and I submit it most deliberately—that with regard to the admission of Indians into the services of the North-West Frontier Province, a grave injustice has been done to our people against which our people have every right to complain, and complain most bitterly.

Then, Sir, as regards the raids in the North-West Frontier Province, I may at once admit that I have no specific remedies to suggest. My only object is to draw attention to the point. In the speech which the Honourable the Law Member made when my Honourable friend, Dr. Nand Lal, raised this debate, this is what he said. With the permission of the House I will read one or two sentences :

'So far as the Government are concerned, they will always welcome any suggestions which would end or materially reduce these frontier raids. We have heard a very harrowing description from Dr. Nand Lal of the raids that have taken place and I am sure that everyone of us, official and non-official sympathises with the sufferers on the frontier.'

Then he proceeded :

'The officers of Government have been doing the best that they possibly could to meet a very awkward situation, and I am sure, that the House will recognise that the Government feel very keenly that their own subjects required every possible protection.'

Then, again, 'If these considerations did not stand in our way'—he was referring to the negotiations that are going on at Kabul—'we should not

[ Munshi Iswar Saran. ]

have offered any opposition to this Resolution ; we should have welcomed it though at the same time we realise that the appointment of a committee will not be expedient just at that moment.'

I submit, Sir, there is not a word in that speech which suggests that the facts, as stated by Dr. Nand Lal, were incorrect or that he too like myself was guilty of inaccuracy. The whole burden of the speech of the Honourable the Law Member on behalf of the Government was : 'Yes, here are these facts, we are as anxious to relieve the suffering of the poor people in the North-West Frontier Province as you are, but, having regard to these negotiations, we think that the appointment of a committee is not advisable.' I submit, Sir, that only two weeks ago this was the speech delivered by the Member on behalf of the Government. Sir, having regard to that speech, I am perfectly entitled to say that as far as the facts go, they are not denied. I shall not say they are admitted ; but they are not denied. So, Sir, there are these two points, that there is dissatisfaction with the general administration and that there is strong, very strong dissatisfaction over the exclusion of Indians not from subordinate, but from the higher posts in the North-West Frontier Province.

**Mr. E. L. Price :** Sir, I do suggest to Members interested in this question that they make a great mistake in not accepting Dr. Sapru's offer. I only wish that some Member of Government would make me as good an offer on any subject in which I am interested. I should fall over myself in my anxiety to accept it. And, Sir, if I make this remark, it is particularly for the reason, that when Chaudhuri Shahab-ud-Din made a statement that the main driving force behind the tribes that committed the raids—the cause of so much complaint—the driving force was economic, I heard murmurs in the House that sounded as if some people were laughing at him. If that were so, Sir, I suggest that the Members who laughed, should first of all consider a few facts of history, for I say, it is so all over the world, and ever has been, that the hungry hillmen swoop on the plains. It was so on the borders of Scotland and England ; it was so on the borders of Wales and England. The very title of nobility 'Marquis' means 'A defender of the border,' and what can you expect ? You have big, hairy, active hillmen, living under extremely difficult conditions, always short of food, always short of fuel, always short of clothing. They get such arms as they can, they swoop down on the peaceful inhabitants of the plains for loot. And yet when an Honourable Member of this House makes a statement of that fact, a fact which must be absolutely plain to anybody who has read history at all, he is greeted with a slight element of laughter. I protest, Sir, at that laughter, because the Honourable Member was making a valuable point, and because he was laughed at and people do not seem to understand what is one of the main causes of these raids. I the more earnestly suggest that Members interested accept the very generous offer of Dr. Sapru.

**The Honourable Mr. Shafi :** Sir, perhaps the House will be interested to hear that out of the six Educational Service men in charge of the various appointments which are reserved to that Service in the North-West Frontier Province, three are Indians. Perhaps also the House will be interested to know that at this moment the gentleman in charge of Archaeology in that province is an Indian.

**Khan Bahadur Zahir-ud-Din Ahmed :** Sir, one word and I will finish. I am informed that the raids on the North-West Frontier Province are being continually raised in this House. I feel equally with Honourable Members on this question. I offer a solution, Sir, if a few copies of the debates of this House are forwarded to the frontier tribesmen, I am certain they will frighten the offenders away.

My further submission to you, Sir, is that those Honourable Members who are so keen about it may be entrusted with the copy of the debates to be handed over to the frontier men. Sir, I wish to know if the Honourable Members will agree to this.

An ounce of experience is better than a ton of theory. Hence I wish to let my Honourable friends, the M. L. A.'s from the different provinces and cities have a little taste of these frontier tribes and no doubt they will return wiser men and satisfied.

**Babu K. C. Neogy :** Sir, reference has been made to the circumstances in which the North-West Frontier Province was created. Now that about 20 years have elapsed since that day, it will be profitable to turn our attention to a remarkable memorandum which was prepared by the then Lieutenant-Governor of the Punjab, Sir Mackworth Young, in which he protested against the creation of this Province. It is interesting to learn that the Punjab Government was not even consulted in regard to this matter before the decision was arrived at to create this territory into a separate Province. I will just draw the attention of the House to the five salient observations in the report which practically summarise the whole thing and which appear to me to be remarkably prophetic in their character. The first is, that the 'severance of the five districts from the Province to which they have been attached since the Sikh times will be unpopular with the Chiefs and the people of the districts concerned.' The second is that 'the military administration which is proposed to be constituted will be much less efficient than that which now exists as part of a large provincial organisation.' And under this, Sir, Sir Mackworth Young criticises the proposal of employing officers of the Foreign and Political Department . . . .

**The Honourable the President :** Order, order. As far as I read this Demand, there is nothing in it providing for past history.

**Babu K. C. Neogy :** Well, Sir, it will be interesting to note that when the Province was created, it was estimated by the authorities that it would cost no more than Rs. 67,86,344 a year, and I will ask the House to remember that we are going to vote just now about a crore in excess of that amount.

**The Honourable the President :** The question is :

'That a sum not exceeding Rs. 1,43,54,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st March 1922 in respect of the 'North-West Frontier Province'.'

The motion was adopted.

**The Honourable Mr. W. M. Hailey :** Sir, I beg to move :

'That a sum not exceeding Rs. 1,07,72,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st March 1922 in respect of Expenditure in England. 'Expenditure in England'.'

## PROBATIONERS FOR THE FOREST DEPARTMENT.

**Mr. A. B. Latthe:** Sir, I beg to move :

‘That the sum of Rs. 2,84,000 (Expenses in connection with probationers for the Forest Department) (page 279) be omitted.’

Sir, the reason why I move this amendment is that the principles underlying the allotment of this amount are such that they ought to be discussed in this House at this stage.

From inquiries which I have made of the Honourable Mr. Hullah, I learn that this amount is intended for the expenses of certain probationers who are maintained in England and who, I presume, are intended for the Indian Forest Service. The first question which strikes me in this connection is that Forestry is a subject for the teaching of which ample provision seems to have been made in India, and there is hardly any reason why probationers should be sent to England. Honourable Members will see that the College at Dehra Dun has been recently developed to a very great extent and that we are incurring an expenditure of Rs. 4,37,000 a year on that College. It appears that the requirements of the Indian Forest Service do not go much beyond 50 or 60 men a year, and I should think that the higher education in Forestry which ought to be given to these men ought to be available at the Dehra Dun College which we are maintaining at such a heavy cost and which we are promised is to be capable of giving the best education in that department.

Then the second question which arises, to my mind, is that the Forest Service is one in which there ought to be a very great preponderance of Indians. The present system of recruitment whereby probationers are, I think, to a very large extent taken in England, is a system which puts a handicap on the Indian candidates who aspire to posts in the Forest Service. There is no reason which I can imagine for the Indian Forest Department being manned by so very few Indians. I recognise that in certain other departments there is much force in the contention that there must be an irreducible minimum of British people and beyond that minimum it would not be safe to go. I am one of those who admit the force of that argument in certain departments, but so far as the Forest Department is concerned, I cannot see why it should not be entirely manned by Indians, and, if that is the goal which we have in view, I think the proper course for the Government to follow is to appoint the recruits exclusively in India and to train them in India as far as possible. I think there is no reason why there should be any difficulty in giving the highest education in Forestry in this country. If necessary, those students who complete their course at Dehra Dun might be sent for a tour to Europe and other countries where they might be expected to see the forests on the spot. But there is no reason why we should mainly recruit candidates for the Forest Department in England and why we should think that the College which we are maintaining at such a cost should not be capable of giving instruction which these students are to get in England.

I propose this amendment only with a view to give the Government an opportunity of making a statement on these two questions, and, if the Government makes a statement which will be satisfactory to the House, I do not intend to press my motion.

**Mr. J. Hullah:** Sir, the Honourable Mover's opinion that the Imperial Forest Service should be manned entirely by Indians agrees with that of the Public Services Commission and the Secretary of State and the Government of India, but the fact is that up to the present we have found that the Forest Service is, for some unknown reason, the most unattractive to Indians of all the services, and until quite lately you could count on the fingers of one hand the number of Indians in the Imperial Branch of the Department. It is not that this branch has been closed to them. It has been open to all Indians, and any Indian who cared to go to England and try for that Service could do so as was the case in regard also to the Indian Civil Service. The Government of India have now decided, under the Secretary of State's instructions, to recruit at once for 40 per cent. of the posts in the Imperial branch of the service by taking in Indians. We made our first attempt at recruitment last year, but for reasons into which I need not go we were only able to obtain four Indians and those have been sent to England. We tried to obtain last year 60 men in all. Owing to the war and various other causes, especially the large increase in the Forest services in the different provinces, all the staffs in the provinces are very short of men and we tried to get last year 60 men, of whom, under the 40 per cent. principle, 24 were to be Indians and 36 Europeans. As a matter of fact, we were successful in getting only 25 Europeans and 4 Indians. This year we shall try again to get 60 men, and in consequence of the failure to obtain men last year, we are putting the Indian recruitment, if we can get the men, above the 40 per cent., that has been accepted as the percentage for the present, and we shall try to get 30 Indians to fill up 30 out of a total of 60 vacancies. They will go to England. Their passages will be paid and they will receive the same allowance as the European candidates in England, namely, £200 a year. Their expenses on the continent where they go for a course of training will also be paid, and these are among the reasons for the provision that appears in the Budget.

The Honourable Member has suggested that the training of Indians for the Forest Department should be in India. He has thus raised, in the course of a Budget discussion, a very big question which has been under the very careful consideration of the Government of India and the Secretary of State for some time past. The Public Services Commission made the same recommendation, but their recommendation was not unanimous; the majority, however, declared in favour of recruitment in India. The Government of India at first were inclined to the same opinion. They consulted the Local Governments, which with only one exception, were distinctly opposed to the proposal. In view of the objections put forward, the Government of India changed their view and considered that it was in the interests of the Indian Forest Service and of Indians themselves, that they should get the best possible training available, and that is only available in England and in the continental forests. The Secretary of State, however, decided in favour of training in India. Shortly after that decision, there was held in England the Imperial Forestry Conference consisting of representatives from all parts of the Empire, and one of the recommendations of that conference was, that there should be a central institute for training students in Forestry from all parts of the Empire, the institute to be located in England. Having regard to that recommendation the Secretary of State re-opened the question and has asked us to consider the Forestry Conference's recommendations, to obtain all kinds of opinion and to let him have the Government of India's final recommendations.



[ Mr. J. Hullah. ]

We are waiting for the detailed report of a Committee appointed by the Forestry Conference to know exactly what is meant by this central training institution and what the cost to India would be. As soon as we receive that report, we intend to send to all the Local Governments a complete set of the papers and the whole of the correspondence. We shall also publish those papers and we and the Local Governments will obtain such opinion, especially non-official, as we can. The Government of India also intend to give this Legislature a full opportunity of discussing the whole question before it is settled whether training is to be in England or in India.

**Mr. Harchandrai Vishindas :** I have yet a more cogent answer to give to Mr. Latthe than that given by the Government Member. We have all been anxious and have been agitating for the more extensive employment of Indians in the Indian services. Now that question is entirely apart from our getting training in India. I think, that by making this provision, which will allow of probationers being sent out of India for their training to continental countries, we shall be serving the object of the more extensive employment of Indians, because, thereby, we shall be assisting the machinery, which machinery will enable Indians to be more qualified for service in Forests than they now are.

Therefore, I think that Mr. Latthe is somewhat wrong if he will pardon me for saying so—in supposing that such a motion of reduction is serving the interests of the more extensive employment of Indians in this country. I say, that is a very cogent reason why he should withdraw this motion for reduction. If he does not, he should be opposed.

**Rao Bahadur C. S. Subrahmanyam :** Sir, Service in the Forest Department has always been considered a close preserve. Well, while Indians are admitted to some of the more important branches of the administration, the Forest Branch is one of those which has always been kept a close preserve, that is Indians were shut out of it. The reason is not obvious to a layman. In the first place, forestry in India is not the same as forestry in England, where the climatic conditions and other conditions are totally different. The fauna of this country and the fauna of the cold and western countries is quite different. Therefore, a young man trained in some forest school in England, when he comes out to India, has practically to unlearn most of the things he learnt there and then begins to learn here at the expense of this Government and makes experiments which often fail.

Now, properly speaking, forests like agriculture, should be very largely manned by Indians. Let them have an English training; it may do them good. The disproportion in numbers which is disclosed in the explanation given by the Honourable gentlemen on behalf of the Government shows that there is good ground for complaint, and the motion which my Honourable friend, Mr. Latthe, has moved in such mild language deserves greater attention at the hands of this Assembly, because the recruitment in England practically means that many a young Indian who might have all the qualifications necessary for the service is handicapped.

The long distance they have to go and all the other drawbacks connected with residence in a foreign country prevent large numbers from going. Therefore, it has on that account become practically a closed service.

So far as the conditions of service go out here, there is also some difference between Europeans and Indians who do the same work but who are designated with the prefix 'Extra.' While a European is called Assistant Conservator, an Indian is called Extra Assistant Conservator, and he gets much less pay. Now this question was very freely agitated by the Indian members of the Forest Service when the Public Services Commission was touring the country.

Now, after all, the training that is received in England, unfortunately is not very much. It is on the Continent, it would appear, that Forestry is better specialised and that an efficient system of training is available—especially in Germany. That is what I have heard, and I believe, that represents the correct state of affairs.

Now as for the Local Governments being in apposition, we all know that after all, in regard to these services, Local Governments never look with favour on the extension of some of these services to Indians. Somehow or other, when a question like this is referred to a Local Government, naturally the men at the head of that particular service have their say and that is reflected by the Government and passed on to the Government of India. Therefore the fact that Local Governments are in opposition is a matter which ought to be scrutinised, discussed, dissected here in this Assembly and not simply taken as having the least *prima facie* value. In view of the correspondence that is going on with the Secretary of State, let us wait till he has fully accepted the recommendations of the Local Governments to limit the number of Indians in the Indian Forest Service. No doubt on this occasion it may not be possible to come to the conclusion that there should be an increase in the number of Indians employed in the Forest Service. But it is a very good thing that the question has been raised. One thing that stands out clearly is that the explanation given by the Honourable gentleman on behalf of the Government is very weak, the weakest we have heard for days past, and that in itself shows that my Honourable friend, Mr. Latthe, has a very good case. I hope that on the next occasion we have of discussing this matter, my Honourable friend will also come prepared to press his case, and not, like my Honourable friend who spoke last, simply say we will accept whatever the Government offers. This Department, like one or two other Departments, has been very badly treated in this respect, and if Forestry in this country is to improve, it can only be by the local knowledge and familiarity with local conditions and terms which an Indian possesses. As for the English training, I do not know, as I have said, that there is much Forestry training to be had in England. There are other countries on the Continent and elsewhere where Forestry has been specialised and developed to a greater extent. Well, Sir, I will only call the attention of the House to the fact that the Forest Service has been kept practically a closed service to Indians.

**Mr. N. M. Joshi:** Sir, it was stated on the side of the Government that sufficient Indian recruits had not come forward to fill up the vacancies that were created. I should like to know from Government whether they advertised these vacancies as widely and as prominently as they advertised the Government Loan, whether they sent any notices about these vacancies to all the colleges in the country and whether they wrote to the employment bureaux of the different universities. I am quite sure, Sir, if they had taken the same trouble and care which they took in advertising Government loans,

[ Mr. N. M. Joshi. ]

they would certainly have found more than enough of people to fill up these vacancies.

**Mr. Wali Mohamed Hussanally:** Sir, I agree with all that my friend, Mr. Harchandrai Vishindas has said on this subject ; and I also admit, that the course of professional education at the present moment in the United Kingdom is far superior to what we get in India, and, therefore, I think, that there cannot be the slightest question as to the provision which is now asked for being granted. The Honourable Mr. Hullah has given an explanation which, I think, ought to convince the House of its being very satisfactory. But particularly, I would ask my friend, Mr. Latthe, to withdraw his motion at the present moment by reason of the fact that the whole question is under consideration ; and as Mr. Hullah has told us just now, as soon as all the papers come, the question will be referred to the Local Governments and also will be placed before this House for consideration. Therefore, I think, it is inopportune to ask this House not to grant this allotment.

**Mr. A. B. Latthe:** Just one or two words, Sir. With reference to the first question, we have been assured that the question will be placed before the Assembly at a later date, and, therefore, I need not travel over the ground which my Honourable friend, Mr. Harchandrai, touched.

With regard to the other question, I must frankly confess, that I am not satisfied with the statement made on behalf of the Government. We were told, that the idea is to give 40 per cent. of these probationerships to Indians. Well, I do not see any reason why we should confine ourselves to 40 per cent. As the Honourable Mr. Hullah himself said, the Public Services Commission recommended that the service might be entirely manned by Indians, and I still think, that that should be the ideal before the Government. Of course, in the present circumstances, in view of the fact that the Government could not find even four men out of 30 last year, the suggestion which I am making is only of academic interest. Let us see that the Government secures at least 40 or 50 per cent. this year, and then we may press for more next time. With this intention, I beg the House to permit me to withdraw the motion.

The motion was, by leave of the Assembly, withdrawn.

#### GROSVENOR GARDENS.

**Mr. Piyari Lal Misra:** Sir, the motion standing in my name, is :

‘ That the item Rs. 1,20,000 (page 280), Alteration to Grosvenor Gardens, be omitted.’

That comes under the head ‘ High Commissioner ’ I understand, the High Commissioner for India. My motion is more by way of eliciting information on the subject. I should like to know whether this alteration is meant in the residence of the High Commissioner, or whether it is meant for his office, or only by way of luxury. The point is not quite clear and is altogether ambiguous ; so unless I have these facts I do not see my way to withdraw this motion.

**Mr. C. A. Innes:** Sir, I shall try to answer the Honourable Member’s questions. The facts of the case are, that when the High Commissionership was created, it was found impossible to continue to accommodate him in the India Office. Accordingly, office accommodation had to be found for him. Now, it was considered very desirable, that that office accommodation should

be found in a suitable locality in London. In the first place it was necessary that it should be near the India Office, and in the second place it was necessary that it should be in the same part of London as the offices of the High Commissioners and Agents-General of the various dominions. It was also necessary that it should be near the Students' Department at Cromwell Road. But in this part of London, which is the West-End, it is not easy to find office accommodation; and Sir William Meyer had considerable difficulty in finding the accommodation he required.

Finally, he was able to secure on very favourable terms two houses in Grosvenor Gardens, but those two houses are private houses, and certain alterations had to be made in order to make those two houses fit for offices. So Mr. Piyari Lal Misra will see that this provision has been made not for Sir William Meyer's private residence, but for the office of the High Commissioner of the Government of India in London.

**Sir P. S. Sivaswamy Aiyer:** I wish to know, Sir, whether the Grosvenor Gardens site has been acquired by the Government of India or they are making improvements to other men's property.

**Mr. C. A. Innes:** The only information I have got on that point is, that Sir William Meyer hoped to be able to get a lease of 35 years for these two buildings.

**Sir P. S. Sivaswamy Aiyer:** What is the nature of our present interest?

**Mr. C. A. Innes:** We have, I understand, a lease with 35 years to run for these two mansions.

**Rao Bahadur T. Rangachariar:** What is the rent?

**Mr. C. A. Innes:** I think they have purchased the remainder of the lease for 35 years for £21,000.

**The Honourable the President:** Does the Honourable Member wish to withdraw the motion.

**Mr. Piyari Lal Misra:** If the case is as put down by Mr. Innes and if the necessity is inevitable, I beg to withdraw the motion.

The amendment was, by leave of the Assembly, withdrawn.

#### INDIAN STUDENTS DEPARTMENT.

**Munshi Iswar Saran:** Sir, before I move my Resolution, I shall be obliged if an explanation is given to me on behalf of Government in regard to one or two points. On page 218, there is an item called 'Indian Students Problem', Rs. 50,000 and on page 281 there is another item 'Indian Students,' Rs. 1,85,000. I should like to know what these two different items are.

**The Honourable the President:** As a matter of order, the whole discussion regarding Indian students in England should be taken on one of these three motions.

**Mr. H. Sharp:** Perhaps it will clear the point if I say, that the entry on page 280 refers to the expenditure in connection with the Indian students department, that is in the office of the High Commissioner now. The entry on the next page 281 under 'Indian Students' refers to expenditure for

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scholarships and stipends and similar matters of that kind and assistance generally to Indian students in England.

**The Honourable the President:** Am I to understand that the larger item arises as a matter of administration out of the smaller one?

**Mr. H. Sharp:** The smaller one is the administrative body. The larger one, Rs. 1,85,000 is payment for scholarships which are awarded in this country to a large number of Indians for study mainly in the United Kingdom. They are quite different items.

**The Honourable the President:** I put it in a different way. The scholarships, I understand, are awarded in India, and those holding them proceed from India for education in England. When they arrive in England, are they under the general control or supervision of the officer in charge of the Indian Students Department?

**Mr. H. Sharp:** The State Scholars, as they are called, are all under the control of the Indian Students Department.

**The Honourable the President:** Then I think it will be convenient to take the whole discussion on the motion for reduction which the Honourable Member is about to move.

**Dr. H. S. Gour:** I am not willing, Sir, that my motion should merge in that of the Honourable Member, because I have got a different motion altogether and I wish to approach the question from an entirely different standpoint.

**Munshi Iswar Saran:** Sir, I move:

‘That the provision of Rs. 50,000 for Indian Students Department be reduced by Rs. 1,000.’

I speak subject to correction, but I understand that this Indian Students Department is really the Advisory Committee for Indian Students which has now been placed under the High Commissioner. Am I right?

**The Honourable Mr. Shafi:** No, I am afraid my Honourable friend is not right. The Indian Students Department was originally a Department of the India Office which has recently been transferred to the control of the High Commissioner for India. In that Department, the High Commissioner for India is assisted by two Indian Secretaries, and I suppose, there is the necessary staff attached to that department in order to enable the High Commissioner and the Secretaries to carry on their duties.

**Munshi Iswar Saran:** What has become of the Indian Advisory Committee?

**The Honourable Mr. Shafi:** There was a Resolution moved in the Council of State the other day advocating the appointment of an Advisory Committee to the High Commissioner. I undertook, in the Council of State, to enter into correspondence with the High Commissioner with a view to the formation of an Advisory Committee which shall assist the High Commissioner in the administration of this particular branch of his work, but that Advisory Committee has still to come into existence.

**Munshi Iswar Saran :** I beg your pardon. There used to be an Advisory Committee of which Dr. Arnold was the head.

**The Honourable Mr. Shafi :** There was, so far as I am aware, no Advisory Committee. It was the Indian Students Department of the India Office of which Dr. Arnold was in charge.

**Mr. Eardley Norton :** May I ask, Sir, whether this Rs. 50,000 goes entirely for the pay of the two Secretaries and their staff ?

**Mr. H. Sharp :** The calculation is made up in the India Office and it is impossible to furnish complete details about it. The money which is put down goes to the pay of the two Secretaries and certain other items of administration. It would be impossible to say exactly how much goes to the Secretaries and exactly how much to others.

**Munshi Iswar Saran :** Sir, on this question I speak with very great diffidence having regard to the fact that I have never been to England myself ; but my submissions will be based on information I have received from many young men who have been to England as well as from a good many of my elderly friends who have visited England. I must concede at once, that as far as the broad question is concerned, I venture to think that there will be a general unanimity that in order to look after Indian students who go from India for purposes of education to England, it is well that there should be an organization in England, to look after their interests and to help them in case of need. The House will find that Indian students go to England generally at about the age of 19 or 20, and at that impressionable age it is very much to their advantage that they should have a committee of friends who are interested in Indian students and are willing to help them. As far as that principle goes, this is my submission, but what I find is, that the Students Department, as existing, has not been popular with the Indian students. I do not undertake to say who is to blame for this unpopularity, I am only stating the fact that this Department is not popular with the majority of Indian students who go there. I also understand from friends who have returned from England, that the report I have received from many students is substantially correct. The grievance of Indian students is, that they get little or no help from that Department. On the other hand, some of them go to the length of saying that instead of giving help it puts obstacles in their path. They further feel, that this Department has really been brought into existence for political purposes. They imagine, as I have already said, although I express no opinion about it, that this Department has been brought into existence in order to keep an eye on them, that it has been created to control or suppress their political opinions and activities and not with the object of helping them. It may be true, it may not be true, I only put it for the consideration of this House.

Now, if there is this want of confidence in the Department, as I am led to think there is—then, my submission is, that it is time for Government to consider this question and to see what changes can be made in order that these grievances of the Indian students may be removed, so that the department may enjoy their confidence. If I am not very much mistaken, I think that two or three years ago, a Resolution was passed by the Indian National Congress advocating the abolition of this Department. From articles that have appeared in the public Press from time to time, the inference that

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one is forced to draw is, that this Department is not popular with the Indian students, and has not been able to gain the good-will of even some of the elderly people who have visited England. In these circumstances, I submit, that the matter is one that requires very serious consideration.

I think this House will agree with me when I say that if these Indian students who go to England, and who will continue to go there, come back with feelings embittered towards the Department and the authorities, a serious and complicated situation will arise. I say, arrangements should be made to enable the students to have confidence in the Department and to come back with no other feelings but those of friendliness towards it. It was with the object of drawing attention to these facts, that I have brought forward this motion.

**Mr. H. Sharp :** Sir, I regret that I am not so well equipped as I could wish to meet this amendment. I am slightly hampered. The responsibility for my embarrassment rests upon an Honourable Member of this Assembly, but the Honourable Member is not Munshi Iswar Saran. It is, strange to say, my Honourable friend, Dr. Gour. The facts, as far as I can ascertain from certain information and partly from surmise, are as follows. Dr. Gour has lower down an amendment following this one. He put it down before I knew that he was going to move it or that I should have to meet it, and it appears that he immediately went off, like a wise man, and got hold of the last report upon the Indian Students Department. Now, it so happens that I have only got one copy of that document here and in the kindness of my heart I placed it in the Library in order that Honourable Members might edify themselves or amuse themselves by perusing it in their leisure hours. The result is, that I cannot get hold of that document myself and Dr. Gour has, so to speak, cut my communications and appropriated my main ammunition column. I do not blame him. In fact, this is merely a proof of what I was mentioning yesterday, namely, the capacity and agility of the non-official Members who have come to the Indian Legislature from a part of India which is sometimes unjustly stigmatised as backward and slow.

Now, to turn to the amendment itself. Munshi Iswar Saran has himself, I think really, apologised very handsomely for the existence of the Indian Students Department. He has fully admitted that there is necessity for some such organisation. We have a very large number now of Indian students in the United Kingdom. How many precisely I cannot say, but doubtless Dr. Gour can give us more up-to-date information than I can. They find themselves among novel surroundings, they find themselves often friendless, in need of advice and exposed to all kinds of troubles and temptations. It is obvious, therefore, that there must be an agency for looking after them and that agency has for a long time been the Indian Students Department which was in the India Office.

What are the kinds of benefits which this Department bestows upon the students? In the first place, the Department takes definitely under its guardianship the State scholars and certain others whose parents wish them to come under the guardianship of the Department. In 1916, that number was 138. In the same year, however, apart from this, one thousand students sought the assistance of the Department. (At this stage the Deputy President took the Chair.)

Another important function of this Department is to deal with and assist those students who go to England either without having made preparation beforehand for getting admitted into any educational institution or who are not fully informed as to the kind of institution which it will be best for them to enter. We have in India 11 Advisory Committees, mainly non-official bodies, which have been instituted for giving this advice. But very often it is found that a student goes off without consulting the appropriate committee and arrives in England with really very little idea as to what he is going to do and with no promise of admission to any institution. There the Department comes in and helps to get him into some institution. In this connection the Department puts the student into correspondence with the Delegacy for Oriental Studies at Oxford and the Inter-collegiate Indian Students' Committee at Cambridge, two purely non-official bodies which have been formed by those Universities for arranging for the admission of Indian students into the various colleges. I should like to make one point about this, and that is, that the Students Department has never thrown itself down the throat of the student. It does not force its guardianship or its help upon anybody. But if parents put their students under it for guardianship, it helps them. It helps them in many other ways also. No. 1 Cromwell Road has already been mentioned. It finds residence for students; it helps in entertainments, it compiles or helps in compiling a very useful handbook of information, and it arranges for passports.

Well, I am perfectly aware, Sir, that there have been grumbles in the past, as Munshi Iswar Saran told us, about the management of this department, and students have come back and talked about it. Those grumbles came to a head and it was thought worth while to answer them. The India Office compiled a Memorandum on the position of Indian students in the United Kingdom in 1918. It is a very informing document and I commend it to the Honourable Member's notice. It will show both where those grumbles were without foundation and also it will show at a very much greater length than I have been able to set forth the object and aims of the department.

We have heard hardly any grumbles lately. In fact, I think I may say that we have heard none, and I think also that in the future we shall hear even less, because the whole institution is being de-officialised. To begin with, the department itself has been made a part of the Office of the High Commissioner. The students are no longer in contact with the India Office. Some thought, doubtless without foundation, that the India Office were spying upon them, whereas it could not have been so, because it was not necessary for the students to go and see the India Office. The High Commissioner, as the Honourable Member for Education has said, has got two Indian Secretaries, namely, Mr. Bhore and Mr. Sen, who are at present doing the work of the department. As the Honourable Member has also said, in connection with a Resolution in the Council of State the other day he gave certain assurances regarding the institution of an advisory committee. I think, that I have said enough to defend the Rs. 50,000 which is put down for this department. But in case anybody thinks that the expenditure is too large, I might mention that it has been decreased—I find in 1919-20 it cost just over Rs. 86,000, and now it costs Rs. 50,000.

**Mr. N. M. Joshi:** Sir, it seems to me strange that the Government should not be in a position to give details of the sum of Rs. 50,000 when they are actually asking us to sanction it. I do not know whether the details of



[ Mr. N. M. Joshi. ]

this amount are not with the Government Member here, or are not in India at all.

Sir, as regards the question raised by my friend, Munshi Iswar Saran, I do believe that there is great discontent among the students in England about the working of this Department. Last year when I was in England, I had very good opportunities of knowing the feelings of students in England in this matter. I used to take my meals in an Indian restaurant which used to be crowded by students, and during the course of my conversations with them, and sometimes as a quiet listener, I gathered that this discontent was indeed very great, and I also felt that it was well-grounded.

In the first place, as my Honourable friend, Munshi Iswar Saran, stated, the students regard this Department as a Department which existed not for helping them but for the purpose of espionage. I hardly met any student who gave me a better account of this Department. I met all sorts of students, good and bad. But I did not meet any one of them who really said a good word about this institution. Secondly, I met some of them who said that when they did not go to Cromwell Road House, that is, under the supervision of the Government Department, the Government Department actually came in the way of their getting admission into some of the universities. Then, Sir, some of them also told me that when the Cromwell Road House failed to secure for them admission into the university to which they wanted to go they could secure admission without its help. Many of them also complained that the Cromwell Road House interfered with the ordinary life of the students rather too much, and there was a conscious effort to control the political opinions of the students that go there. On this matter I must state that I never visited the Indian Students Department. My knowledge is solely derived from the students themselves, and for that reason it may be considered as one-sided. What I do feel is this, that there is not the slightest doubt in my mind, from what I saw in England that there is an effort, conscious effort, made on behalf of Government to control the political opinions of the students that go there.

Sir, I do not know much of psychology, but I know this much, that if there is any effort made to control any sort of opinions, that effort is bound to be frustrated and this effort on the part of Government, therefore, meets with no better fate. I also feel sometimes, that although as the Honourable Member for Government said that this department does not thrust itself upon the people, still it looks as if this department is a little bit officious. It looks as if the department is a missionary department, wants people to come under its wings, rather than to remain strictly neutral and this very attitude of the department in many cases creates a kind of suspicion, as there is a kind of suspicion about the Christian missionaries, that instead of helping, the department comes in the way of its real work. Sir, I therefore feel that Government, instead of trying to help the people in an officious manner and trying to control the opinions of the students and to interfere with their ordinary life, should as far as possible, leave the students alone, especially in regard to their political opinions. If they leave the students alone, then, I am quite sure, that at least some of the students will return to India with sane political opinions. Sir, I say this also on account of my experience in another place in London. The Young Men's Christian Association has recently started a Students Home in London which I found to be free to a great extent, from all the defects which are attributed to the House on

Cromwell Road. I therefore feel that Government should try to leave the students alone as far as possible and that if the department is to be maintained, it should take a neutral attitude and should not try to help any student unless the student seeks its help and further that if the Young Men's Christian Association or any other body starts homes in London, Government should be ready to help it in all possible ways. I think that will be a better solution of the problem than spending a large amount of money on this department. Then I should like to ask one question. We have Indian students not only in the United Kingdom but also in the United States. The number of students in the United States can also be counted by hundreds. I do not know why Government does not try to help the students that go to the United States as they try to help the students in the United Kingdom. Sir, I feel that this matter of the students in the United Kingdom as well as in the United States requires close examination and must be handled very sympathetically.

**Dr. Nand Lal :** Sir, we should not be carried away with the expression 'Indian Students Department'. At the time of allowing this demand we ought to see what benefit the Indian student community in England can derive from this institution. That is the crux of the whole thing. If I am asked and if my humble voice could be heard here, then I will come out with an expression of my opinion and that opinion is this. 'That it is an uncalled for limitation on the legitimate freedom of the students.' Poor Indian students wherever they go have to be under some sort of guardianship, as if they cannot look after themselves. Allow me to submit before this House that the Indian students can look after themselves very adequately. The Honourable the Official Member has very kindly informed us that one thousand students have consulted this august body which has been located in England at this heavy expense. What sort of consultation? I have been to England myself. When I was in England, allow me to say frankly, the voice of the generality of the students there was that this is nothing but a kind of check on their freedom.'

This was the opinion which was at least expressed to me by a number of students then. Afterwards, I had the pleasure of seeing a number of students and they themselves had to make this statement before me that this institution is unnecessary. Can we not then make a fairly good deduction that this expenditure of money is not only a waste but also that it produces, as I have said, a kind of uncalled for limitation on the legitimate freedom of our students. This is the best part of their lives, I envy that life myself and wish I could become a student again. They live in a wholesome atmosphere and their very stay there is very educative. Why should they be hampered by an official body to control them? Certainly, there is much justification for the comment which has been made, that this institution has been made to control the political views of the students. Supposing it is an incorrect comment, but the fact remains that the students look upon it in that light. Is it not the duty of the Government to try to remove that idea? Government's intentions may be very good. According to the view of the Government this expenditure may be proper expenditure, but we have got to see what effect it produces on the minds of the students. Their view is 'This institution is not established for our guidance, for assistance to us, but to control us.' And some of them do feel and say 'We are very unfortunate people. Wherever we go, we are pursued by a body which will control us, as if we cannot guide ourselves.' This

[ Dr. Nand Lal. ]

is the criticism. This criticism may be misplaced, but this is the criticism which has emanated from the minds of these very students. I concede at once that in some cases, say 2 per cent. of cases, this institution might have gone to the length of really helping some students. But is it worth while to spend so much money for that? That is the point before the House. Other speakers have tried to throw a flood of light on this question, and I think I need not reiterate their arguments.

I finish my remarks with this conclusion, that this motion for retrenchment is a very sound one, speaks for itself, and I very strongly support it.

**Mr. S. C. Shahani:** Sir, are we to sit here every day till 6 O'clock?

**The Deputy President:** That is not a question for me but for the President to answer.

**Sir Jamsetjee Jeejeebhoy:** Mr. Deputy President, I am afraid, I have no sympathy with the Honourable Mr. Sharp in his complaint that the only book on which he relied had been bagged by Dr. Gour. There seems to be an epidemic of petty larcenies in the Council Chamber. Only this morning . . .

**Dr. H. S. Gour:** I rise to a point of order, Sir. I am in possession of the book, but most legitimately in possession of it. I sent a requisition for that book to the Registrar and he gave it to me.

**Mr. H. Sharp:** I rise to a point of order. I never used the word 'bagged' about Dr. Gour.

**Sir Jamsetjee Jeejeebhoy:** Well, Sir, only this morning the Honourable Mr. Eardley Norton said, that some of us were taking away pencils from the desks and, if I may be permitted to remind the Honourable Mr. Sharp of what he did yesterday, it is this, that yesterday he took the motto of Bombay and applied it to Calcutta—a city with which we are always on a footing of friendly rivalry.

**Mr. Jamnadas Dwarkadas:** Sir, I am glad that the motion brought forward by my friend Mr. Iswar Saran, gives us the opportunity of discussing the doings of this department. I do not know what this department is going to be in future. I hope it will be all that Mr. Sharp has very kindly told us it is going to be. I am also glad that the Council of State, by a Resolution, has recommended the appointment of a Committee. I hope that Committee will not be in any way like the Committee that existed in the past but will consist of prominent Indians and sympathetic English men who live in England—men like Sir Sankaran Nair, and Sir M. Bhowanagree.

I claim to have some knowledge of the state of Indian students in England and I do not share the view placed before this House by Dr. Nand Lal, that these students should have no guidance whatsoever in England, that they should be allowed to go from here and should be free to follow their own pursuits without being guided by any other department. I do not think, that would be a desirable thing. It would indeed be a calamity if Indian students were allowed to go from here to a place which is not known to them without any guidance whatsoever, either in India or in England, among other things

as to what course they should adopt with regard to prosecuting their studies in England. But, I do submit, Sir, that I endorse the opinion expressed by my friend, Mr. Joshi, that this department which has existed up to now has entirely failed to offer any guidance to Indian students who have gone to England. Sir, if there is one thing of which we Indians ought to be ashamed, it is the state of Indian students in England. No one who has not been to England, nor any one who has not kept in touch with the condition of Indian students there, can have the slightest idea, even if it were given in the most eloquent speeches, of the miserable state in which Indian students have to live in England. I shall quote Mr. Gokhale who said in 1914, after investigating the condition of Indian students in England, that in his opinion it was criminal to send Indian students to England to receive education in the present circumstances.

**Dr. Nand Lal :** May I point out, Sir, that Mr. Jamnadas Dwarkadas levels his attack against the students who are not present here to defend themselves.

**Mr. Jamnadas Dwarkadas :** My friend, Dr. Nand Lal, is labouring under a misapprehension. Anyone who heard me speak will admit that my attack was not levelled against the students. My attack is levelled against the department which pretended to give guidance to the students but which failed entirely to give any guidance whatsoever to the students. Mr. Joshi has pointed out, and very rightly pointed out, that the one thing this department concentrate upon, is the task of enslaving Indian students. The result is—as the result of an attempt at enslavement always is—that the students go out of the hands not only of those who are trying to enslave them, but they go beyond all bounds of propriety and take all sorts of license, take pride in severely criticising their own parents and their own political leaders, no matter how much they may have sacrificed in the cause of the country and they are full of hatred and bitterness against the nation. I am sorry to say, which they think has ill-treated them. This is the condition, this is the state of affairs in England ; and I am quoting the words of a great Englishman, a friend of India, who is now in England and whose sympathies with India and its aspirations can never be brought into question, when I say that he told me once that if there was any hopeless lot in the country at present it was this class of Indian students who come to England ; and the fault entirely is of the department which pretended to guide them, but gave them no guidance whatsoever.

Sir, Mr. Sharp made mention of the beautiful residence that is provided to students at Cromwell Road. The less said about 21, Cromwell Road, the better. I wonder Mr. Sharp knows what reputation 21, Cromwell Road has among Englishmen in England. If a respectable gentleman ventures to stand on the foot-path of 21, Cromwell Road or if his car is waiting outside the House, 21, Cromwell Road, he is told by his friends, he is warned not to stand there, otherwise he would no longer be considered respectable. No inmate of 21, Cromwell Road is looked upon as a respectable person by the decent Englishmen in India. And this is the beautiful house which is provided as a residence for Indian students, who suffer because of its past reputation. Sir, after my return from England in 1920, the one advice which I have taken upon myself to give to students who want to go to England was this, that they should not place themselves under this department, that they should not go

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and live in 21, Cromwell Road, that they should rather place themselves under the guidance of a few of those friends of India who stay in England and who would be only too glad to welcome them and give them any help and guidance that is necessary; and I have found that these students are much better off than the students who live in 21, Cromwell Road. Sir, that is with regard to the indifference that is shown to Indian students who go, leaving their parents behind, leaving their families behind, for the purpose of educating themselves in England.

What response do they get in the colleges in the Universities of England? There, again, I think, I shall bring Mr. Gokhale to my help. He said, that to this date the Universities of Oxford and of Cambridge are averse to admitting freely, and in a sufficiently large number, Indian students into their colleges, because they are afraid the morale of their colleges will suffer if Indian students are freely admitted. Indian students are made to live in a house which has no good reputation; Indian students are not given the advantage of the best company in England; Indian students are forced, compelled to mix with the lowest society in England; their morals do suffer, I am afraid. But I say, that almost the whole blame for this lies on the shoulders of the department which pretends to control and guide, and which does nothing of the sort. I say, Sir, it is high time that this state of affairs should no longer exist, and that it should be improved; and the best way out of the difficulty is not to abolish the existence of the department, but so to arrange to have its personnel that it may become a source of guidance and happiness to the students and not a continual hindrance. With these words I support the motion.

**The Honourable Mr. Shafi:** Sir, with the exception of my Honourable friend, Dr. Nand Lal, Honourable Members who have preceded me have recognised the necessity of a duly constituted agency in London in order to look after the welfare of the Indian students who proceed to that country to prosecute their studies. But they have launched an attack upon the Indian Students Department as it has hitherto existed in order to show that not only has there been considerable discontent against the working of that department, but also that that discontent is in fact fully justified. Well, Sir, I confess that I am not prepared to say that there is no justification for what Honourable Members have said with regard to the working of the Indian Students Department as it existed under the India Office. When I was in public life, I had often heard complaints from students who returned from England against the manner in which the affairs of that department were conducted by a certain officer who was then in charge of that department. But surely Honourable Members, when voting on this motion, should bear in mind this one fact, that while this criticism against the past may to a very large extent be justified, we have now to deal with an entirely different state of things. The Secretary of State for India and his Council, engaged in the performance of the duties and in the exercise of powers concerning the Indian Empire, were probably not able to devote to the Indian Students Department that amount of care and attention which it needed, and in consequence it may be that the complaints which have been made to-day against the working of that department were more or less justified. But it is in order to remove those very complaints, it is in order to see that the affairs of that department are in future conducted solely and exclusively for the benefit of the Indian students in England, that the department has been taken away from the India Office and placed under

the control of our own High Commissioner for India who is under the control of the Government of India in the discharge of his duties, and not under the Secretary of State. I read in the Council of State the other day, when dealing with a motion for the constitution of an Advisory Committee to the High Commissioner for India, extracts from the official communiqué which was issued by the Government of India announcing the appointment of Sir William Meyer as High Commissioner. In that communiqué it was pointed out, that by an Order in Council issued by His Majesty the King Emperor, the High Commissioner for India had, in the performance of his duties, been placed under the control of the Government of India. Well, now, that being the fact, and it being admitted that the existence of a properly constituted agency in England to look after the welfare of the students is necessary in the interest of the students themselves, what, I have no doubt, my Honourable friends have in mind is this, that the Indian Students Department of the future—not of the past, but of the future—which is now to be under the control of the High Commissioner for India, should be free in the discharge of its duties from the defects to which allusion has been made in the speeches to-day. Well, as Education Member, I can assure my Honourable friends, that every care will be taken in future to see that the affairs of the Indian Students Department are conducted on right lines. Sir William Meyer has, as you all know, occupied high and responsible position in India. He is fully conversant with the public feeling in this country on this subject, and I have reason to think, that he is also well aware of the kinds of complaints which have been made against the administration of this department in the past when it was under the control of the India Office.

You may rest assured that no efforts will be spared, so far as we are concerned, in order to try and remove the defects of which mention has been made in the debate to-day. I will go a step further. I will send a copy of this debate to Sir William Meyer so that he may know the feelings of this House and the opinions entertained by prominent Members of this House, with regard to the manner in which the Indian Students Department should be run in future. Rs. 50,000 for the expenses of the Indian Students Department is, after all, not a very large sum, so that it is not the sum which matters, but rather, I suppose, what the Honourable Members had in their minds and to which free expression has been given to-day; that is to say, the manner in which the affairs of the Indian Students Department were conducted in the past. I assure Honourable Members, that Sir William Meyer is already fully acquainted with the nature of these complaints, and I, as Education Member and a sincere well-wisher and naturally a sincere well-wisher of Indian students in England, I assure Honourable Members that every step will be taken to see that the affairs of the Indian Students Department in future are run on proper lines.

**Mr. S. C. Shahani :** Sir, I propose that the question be adjourned.

**Mr. A. D. Pickford :** Sir, I shall not detain the House for more than a minute, but I did feel that it was desirable in a matter of this kind that a European Member of this House should express his sympathy with the object of the debate that has just taken place. It has been a matter of absolute amazement to me personally for years that though one heard these complaints made on all sides, from all directions and by all classes of men, the whole machinery of Whitehall seemed to be unable to remove these defects. And it is a dreadful indictment against the India Office when the Honourable Member for

[ Mr. A. D. Pickford. ]

Education has to get up and say that in a matter of this supreme importance, namely, the care of Indian young men in England, the India Office is so busy with other affairs that it cannot attend to so important a duty. I think this Assembly, Sir, should make it perfectly clear to the Government of India that the promise which has been made to *try* and remove these defects must be fulfilled, and that there shall be no question of trying, but that this House will, in a matter affecting the interests of both parents and boys alike, insist that it shall not merely be an attempt, but that the Government of India must, in some way or other, succeed.

**Mr. K. G. Bagde :** I want to ask the Honourable the Education Member a question, Sir. Will he enlighten the Assembly with regard to the respectability of No. 21, Cromwell Road ?

**Mr. J. P. Cotelingam :** Sir, one word before the debate is brought to a close. I do not think that the Indian Students Department has been able to do for the Indian student in England all that was expected of it. But I do not think that the lurid picture given by Mr. Jammadas Dwarkadas of the Indian student in England can be laid entirely at the door of the Indian Students Department. To say that the Indian Students Department has done nothing for the Indian student is not the truth. If it has given that valuable Handbook or Manual for the guidance of students in England, then it has to some extent justified its existence there.

I would only add to what I have already said, that what the Young Men's Christian Association has done for the Indian students, is quite different to what the Indian Students Department in the India Office has done. The Young Men's Christian Association has recently established a hostel for Indian students which—as most Honourable Members are aware—goes by the name of the 'Shakespeare Hut' and, as I have not received detailed information as to the manner in which that hostel is conducted, I cannot at present suggest that the Indian Students' Department should follow the lines on which the 'Shakespeare Hut' is run by the Young Men's Christian Association.

**Munshi Iswar Saran :** Sir, in view of the observations which have fallen from the Honourable the Education Member who practically accepts the criticism made by the non-official Members, and in view of the undertaking given by him that he will send these proceedings to the High Commissioner and also in view of the fact that there has been a change effected by the department being made over to the High Commissioner in whom the Honourable the Education Member has great faith and great confidence, I shall beg the House to allow me to withdraw this motion.

The motion was, by leave of the Assembly, withdrawn.

**Dr. H. S. Gour :** Sir, I did not think that at this late hour I should be called upon to move the motion standing in my name and which runs as follows :

'That the provision of Rs. 1,85,000 for Indian students in England be reduced by one lakh.'

As my Honourable friend, Mr. Sharp, has told you, Sir, unwittingly I am in possession of *his* book—the Encyclopædia—of information which would have

answered all the questions and silenced the whole of this debate which has occupied two or three hours of the time of this Assembly. That was the Pandora's Box of which I am in possession and nobody else is, and, as the proud possessor of that book, I wish to convey to the House the inimitable information which it contains and enshrines. How many students are there in England at the present moment? This book is a review of 4 years' association with the Indian Students' Department.

**Mr. H. Sharp:** Sir, I rise to a point of order. The Honourable Member is talking about the provision for State scholarships. I doubt whether he is in order, Sir, in reverting to the question which has just passed by about students in England generally and the Students Department.

**Dr. H. S. Gour:** My friend will no longer be in doubt the moment he indulges me for five minutes. I am not only attacking the circumference of the subject but the very centre of it, the very pith and marrow of it, the very core of it. This book, Sir, tells us that the total number of students undergoing their studies in England is somewhere near 400, and it points out that 402 students were in touch with the Bureau during the year—the year being 1916. Now, Sir, out of these students a very large number go for the study of law. A smaller number go for the study of engineering; I have no doubt a much larger proportion go for the study of medicine. But of all these students the largest number go for the study of law. And now, the scholarships that are given by the Government of India to students going to England, so far as I am aware, make no limitation, no qualification, no exception against the students who go for the study of law. I happen to know from personal knowledge that students at Oxford and Cambridge who are the Government of India students not only read at the Universities for a degree but they also eat their dinners for the call to the Bar, and I also happen to know that the students are at liberty to follow any course of training in England—all that they are required to do is to pass the examination here and obtain their nomination from the Government of India. Now, I beg to ask you, Sir, is this a satisfactory test of spending money upon students by sending up the students from this country to England to follow any training which they may choose to follow? Now, speaking of the students who read at the Court of Law, we have the following remarks in this book: 'The Report on the Work of the Indian Students for 1916.' And this is a book published over the signature of Mr. C. E. Mallet, who is the Secretary for Indian Students. Now, I will read to you, Sir, a passage—rather a long one but at the same time a very useful passage which reviews completely the situation, and is, I submit, a complete condemnation of the policy of the Government of India in sending students to Europe for the purpose of prosecuting legal studies. After stating what they do in England for the study at the Bar and reading in Chambers, Mr. Mallet says this:

'But the truth is that the whole system of requiring Indians to come over to England, if they wish to acquire the status of Barristers, is one which may possibly call for reconsideration. The alternative methods of qualifying as an advocate in India involve long and elaborate course of study and are beyond the reach of most students. It cannot be doubted that they have a right and must always have a right to come over if they wish to and to seek admission, like other British subjects, to the Inns of Court. It will not be denied that the traditions of the English Bar are great traditions and that anything which tends to perpetuate in India its spirit and its standards is of real value to all concerned. But the question remains whether the mere fact of coming over to qualify in the United Kingdom if they wish to practise as advocates at the Indian Bar, even with a high level



[ Dr. H. S. Gour. ]

for entrance examination and the additional requirement of reading in Chambers, is of substantial value to many. Can Indian students as a whole gain much that is worth having in knowledge, traditions, character or conduct from a system which leads them to spend three or four years in this country at the most critical period of their lives, cut off from all the associations and obligations of home, to pass a few examinations, to attend a few lectures, to read in law libraries or under a law coach, to look occasionally into the law courts, to dine so many nights in the halls of their Inns and for the rest of their time to see the world too often from the standpoint of a London lodging?

‘The fact that many of them work admirably and join Universities and take degrees as well,’ does not of course touch the point raised here,—the question of the system practically imposed. Can it be shown that this system, involving as it does, a heavy expenditure for many young men of narrow means, is the best way to maintain in India the high traditions of the English Bar, or to send back the students who come over imbued with better standards than their own? On the money question alone, a question which must not be lost sight of, for it often means the difference between success or failure in England—it is melancholy and not uncommon to see a family which can ill afford the cost and perhaps hardly realises how heavy it will be, raise at some sacrifice the funds necessary to equip and maintain their boy over here, and then find all their labour wasted owing to the risks to which he has been exposed. It is a severe test of character to throw into a new world, out of touch with all restraining influences and without sufficient work to occupy their time, lads of 18 or 19 who may never have had any command of money before. If English boys of the same age were cast adrift in a foreign capital under the same conditions, how many could we reasonably expect to come through the test unscathed? The theory that we are doing good to India or strengthening the character of the Indian Bar by encouraging Indian students to come over to this country, to go through a training which may be worth little and to face risks which we know to be grave, does not dispose of these questions. It is hardly fair to give young men so trained precedence over experienced pleaders who cannot afford to come here. But that is by no means the most serious objection. It may be worth consideration whether the remedy would be in making provision for Indians to be called to the Bar in their own country, and to secure in India the legal training they require.’

Now, Sir, in this connection, I should like to draw the attention of the Honourable Member in charge of Education as to whether his attention has been drawn to this most unqualified condemnation of the Indian students going to England and reading in the Inns of Court for the study of law.

Now, as regards Engineering, this is what Mr. Mallet writes as regards the students going to England for the study of Engineering.

**The Honourable Mr. Shafi :** May I inquire of my Honourable friend whether he is reading this quotation in order to emphasise his own opinion? Does he himself hold the same opinion?

**Dr. H. S. Gour :** I have just now, Sir, read a quotation as regards students going to study for the law. I will now read a quotation as regards Engineering, and I shall certainly not deprive my learned friend on the other side, of the testimony of my own personal experience.

Now, Sir, as regards the Engineering Department, this is what Mr. Campion, the Engineering Adviser to the Indian students, says. Mr. Mallet says :

“Mr. J. N. Campion, our Engineering Adviser, while noting a decrease both in his correspondence and in the number of students coming over during the year, reports that 19 new applicants consulted him for the first time in regard to Engineering training, that they came mostly from Bengal and the Punjab, and that the standard of education among them was distinctly higher than in years before. And he emphasizes again the desirability as

regards Civil Engineering of arranging for Indians to study it in India, where the facilities for practical training in it are far more plentiful than here.

I submit, I am entitled to ask the Honourable Member in charge of Education as to whether his attention has been drawn to this oft-repeated advice given by the Educational Engineering Adviser to the Indian Students Department that it is waste of time and waste of money to send students from India to England to prosecute their studies in the Engineering line. I should like further to know as to how much of this Rs. 1,85,000 is spent upon students who prosecute their studies in law and engineering, both of which, I submit, have been condemned by an accredited and responsible agency established under the authority of the Secretary of State for India in Council. I further wish to know as regards the course for Forestry. We have just been told that a large number of students go from this country to England and undergo a course of instruction in Forestry. So far as this look is concerned, it is absolutely silent about it. There is nothing about it at all there, whether there is such a thing as Forestry course. I submit that this Assembly would not feel justified in voting annually large sums of money approximating about two lakhs to enable Indian students to go to Europe, unless it is satisfied that those students who go to Europe profit by their studies. I therefore submit that before we vote this amount we must have an assurance from the Honourable Member in charge of Education as to what extent the Indian students who are given scholarships profit by their studies in England.

While I was reading a quotation from Mr. Mallett's report, my learned friend, the Honourable Mr. Shafi, asked me whether I was prepared to endorse the opinion expressed by Mr. Mallett. As he has invited me to give my opinion I shall do so. When I went to England to prosecute the study of law, I joined the University of Cambridge. As some of my learned friends here have pointed out before that in the two Universities of Oxford and Cambridge there is a very great prejudice against the admission of Indian students, I beg to correct them by saying that I experienced no prejudice of any kind whatever, and all schools and colleges were extremely glad to receive me and I had to make my choice of the college which I ultimately entered. Having done that, I found about 65 Indian students prosecuting their studies at Cambridge in my time, and half as many prosecuting their studies in Oxford. We all used to be extremely happy undergraduates, though we were not under the supervision of the India Office. We were all free men, we could do what we liked, lived in our lodgings, and prosecuted our studies and passed our examinations. My acquaintance with the Inns of Court studies is somewhat slender. The University students of Oxford and Cambridge are entitled to certain exemptions. These are, first of all, that instead of eating six dinners they are only required to eat three, and as regards examinations, if you pass your examination in a legal subject at Oxford and Cambridge, that examination need not be passed over again for the study of the Bar.

For my education I had to read in a Barrister's chamber in London and, judging from what I saw of the students there, I am entirely at one with Mr. Mallett that most of the students who went for the study of the Bar and lived in London wasted their time, and I, therefore, submit, that so far as the students going to England for the study of the law who do not undergo university training are concerned, it is a sheer waste

[Dr. H. S. Gour.]

of time. I have attended the lectures of the Inns of Court with the students, not because I was required to do so, but simply because I wanted to see what those lectures were like and I think that those lectures are mere apologies for the lectures that are necessary to impart real legal training in the subjects in which a would-be Barrister should be grounded. Now as regards the students who underwent their university training, I have a very good account to give of them. They were all students who had to study hard before they could pass with honours and after three years they passed their examinations and returned to this country. Now a good many of them were Government of India students who were prosecuting their studies both for the Bar as well as for a degree at the University at Oxford or Cambridge. As I have said before, most of them were Cambridge students. Later on, after taking my degree, I revisited my old University three times and latterly, my son who went to England was placed under the tutelage of the India Office Students Department and he was there for five years. So that I am one of those who are deeply and directly interested in the India Office Students Department and I went to visit 21 Cromwell Road to which allusion has been made by my learned friend. I also visited the Advisory Board's office and I also interviewed the local secretaries appointed by the Universities of Oxford and Cambridge. Well, I can tell the Honourable Member in charge of Education that when he has promised to reform the system of an Advisory Board in England he has done it none too late. The whole system is far too official to be popular. The whole system is far too rigid and officious. I may say, to be popular with students in England and now that this Resolution has been accepted, I would ask him to accept my Resolution which is to the following effect :

'That no student in India should be given any scholarship to prosecute his studies in Europe unless he discloses the subject in which he wishes to prosecute his studies there and if the Educational Department is of opinion that it would be useless to give him a scholarship to go to England to profitably prosecute his studies, scholarships should be withheld from him.'

It is useless to offer a scholarship to all-comers. At present the students who come at the top of the B. A. examination apply for scholarships and then according to the turn of the university to get the scholarship, the students get it. It does not matter after that whether he goes and reads at any of the approved universities and what subject he reads and whether he receives any real instruction which will benefit the people of this country or not. I, therefore, submit, that so far as this question of assisting the promotion of education amongst the people of this country is concerned, the Honourable the Education Member must first assure himself that it will serve that purpose before he utilises that grant for the purpose of offering a scholarship and it is with that object that I have given notice of my Resolution and I hope he will be able to accept it in the terms I have indicated.

**The Honourable Mr. Shafi :** Sir, When I read the terms of the motion of which my learned friend had given notice, I could hardly imagine that the object which he had in view was the one which he has disclosed towards the end of his speech. I could not help feeling surprised that an Indian gentleman, who had himself received education in England and enjoyed the benefits of that education, should ask the Government to strike out of its Budget the sum which they intend to utilise for conferring scholarships on

Indian students who wish to complete their education in Europe. My Honourable friend has, during the course of his speech, made what I venture to think was too sweeping an attack on Indian students at the English bar in England. (Hear, hear.) My friend gave an example so far as university education is concerned. This was the example of his son. Well, if I may give him an example, 12 members of my family have been educated in England and most of them educated at the Inns of Court. Of course, they have received university education at the same time, but most of them came out as Barristers and I for one can say that I am proud of the fact that these young men who proceeded to England and obtained their education in that country have come out to India and are now useful citizens, discharging their duties as citizens in a manner which certainly has won commendation from the people at Lahore and its neighbourhood. Sweeping condemnations of the kind which my Honourable friend has made to day against members of the Bar or against Indian students who proceed to England to study for the Bar, unless they are substantiated by anything definite, will, I feel certain, not convince the Assembly of the strength of his position. So far as Indian students who have received education in the universities are concerned, my Honourable friend has himself admitted that their stay in England has been productive of good. Well, in the face of that admission, for him to move as he has done, that this item should be struck out of the Budget is, to say the least, somewhat extraordinary.

Sir, he asks me as Education Member to see that no scholarships are awarded to any Indian students unless, in the first instance, they disclose the particular branch of study which they wish to pursue on their arrival in England. I feel certain that that is a proposition which will not be supported by at least a majority of this House. The Government of India award these scholarships generally to selected Indian graduates in order to enable them to proceed to Europe to receive the benefits of European education. It is for these students to select, on the advice of their relatives or friends, or upon their own judgment, what particular profession or other occupation they intend to adopt. It is not for the Government to thrust upon them the particular line, which, in the opinion of Government, may be useful for them. In fact this would be an unwarranted official interference in the choice of his profession by the Indian student in England. These scholarships are awarded, as I said, mostly to selected Indian graduates, not to school-boys of 12, 13 or 14, or to undergraduates, but to Indian graduates, and invariably to distinguished Indian graduates. Surely, my Honourable friend ought to give these Indian graduates the credit of judging for themselves what is the best profession for them to follow. To impose a condition of this kind would, I submit, be absolutely opposed to all sound principles of selection of careers by the Indian students for themselves. It seems to me, Sir, that in the face of the admission which my Honourable and learned friend has made, that in any case, those who proceed to England and join there Oxford or Cambridge or other university, are really benefited by their stay in England, there is absolutely no leg for the motion which he has placed before this House to stand on, and I therefore ask the House to reject this motion.

**Mr. Eardley Norton:** Sir, may I ask the Honourable Member whether he can give us any details as to this Rs. 1,85,000 which we are called upon to vote, or whether this also like the demand for Rs. 50,000 is to be taken on trust?

**Mr. H. Sharp :** Sir, we have no details as to this item. All we know is that it is given for State scholarships, including passages and travelling allowance, and in the case of technical scholarships the fees which are paid by them, and of course any special scholarships which either the Government of India or the Local Governments create for particular persons sent home. And some part of the sum is also given by the High Commissioner to students who are not necessarily scholars, who get into difficulties not through their own fault, or who are doing very well in their studies but just cannot complete them owing to want of funds. The High Commissioner gives sums of money in hard cases of that kind to deserving students.

**Mr. Eardley Norton :** Will the Department undertake to supply the House with details of this expenditure at a later stage either here or at Simla?

**Mr. H. Sharp :** Yes ; we will ask for such details.

**Mr. Eardley Norton :** Well, Mr. President, I have only one word to say and that is this. I do not know where my Honourable friend, Mr. Jamnadas Dwarkadas, gets his information regarding the differential treatment of Indian students at Oxford and Cambridge. We have had testimony to-day in the House to that treatment. I would rather not give any myself because I should have to go too far back into the past ; but I want to say this, that when I was at Oxford we had many Indian students there and we were glad to have them. Many of them were our close and honoured friends. One was at my college and shared all our amusements.

**Mr. Jamnadas Dwarkadas :** How many years ago ?

**Mr. Eardley Norton :** Do you really want to know? 1870. When we come to a later generation, Dr. Gour has told us that during his stay in Cambridge there was no such differentiation made between the Indian and the Englishman, as Mr. Dwarkadas suggests; and I may say, that I, who am very much interested in this question, and for the sake of the fair fame of my own University, have constantly kept myself *au courant* with the feeling there with regard to Indian students—I have made inquiries of young men from both Universities, though I am much less interested in Cambridge than in Oxford, and I find the answer to be this. They are perfectly willing to receive any Indian student on terms of equal companionship if the Indian student will not keep himself to himself but will come out and join in the games and associations of Englishmen there. I have no reason to think that my information is not correct. There is, I believe, a strong tendency to-day for Indian students to keep themselves to themselves. They get together into a clique. They will not come out and associate with English boys, and the result is therefore a state of things which at any rate during my 4 years at Oxford - and later - did not exist. If that be true, it suggests that the blame lies very much on the shoulders of the Indian student himself, and I do not think it fair that Mr. Jamnadas Dwarkadas should stand up here and say what I believe to be contrary to the actual facts of the case, that the Indian boy who goes up to Oxford or Cambridge does not receive the same frank welcome as any English boy who also goes to the same University. If he does not, I can only suggest that he does not wish to receive it. Only the other day when I was at Hyderabad,—to show how welcome Indians are at Cambridge, —I was talking to a young Muhammadan who is in the Nizam's service, whose physique attracted me. And he admitted that

this was the result of his rowing in his college eight. This is not the only instance. My own Bar Library at Calcutta is full of young Bengalee Indians who have come back from public schools, from Oxford and from Cambridge, many of whom I know have played cricket for their colleges; some of whom have played football and two or three to my certain knowledge have rowed in their college eights. I think with these facts before us that my friend, Mr. Dwarkadas, owes an apology, at least to the University to which I belong, when he suggests that we are not prepared to receive our Indian fellow-students upon terms of perfectly equal reciprocity and perfectly equal toleration.

**Mr. Jamnadas Dwarkadas:** Mr. President, may I make a personal explanation? I think my friend, Mr. Norton, is labouring under a misapprehension. I spoke about the Indian Students Department. With regard to Oxford and Cambridge Universities I said that their doors were not open to a sufficiently large number of Indian students and that is a complaint that not only I make, but one which Mr. Gokhale made also.

**Dr. H. S. Gour:** My short complaint, Sir, was this, that the Government of India . . . .

**Dr. Nand Lal:** Before the Honourable Mover is called upon to reply, Sir, I may be given a chance to offer my remarks?

**The Honourable the President:** The closure has been applied, but I shall not exclude the Honourable Member if he will undertake only to speak for a few moments; in that case I will call him. Will he give me that undertaking?

**Dr. H. S. Gour:** Well, Sir, a very short reply is necessary on my part. I simply intended to draw the attention of this House and of the Honourable Member in charge of Education that he might be more discriminating in awarding scholarships to students who did not go to prosecute their study of law and engineering. My learned friend says that these students are old enough to judge for themselves. So they are. But I think the Honourable Education Member must also remember that he is endowing these students with scholarships from public funds, and he should see that when they go to Europe they profit from the studies which they are called upon to prosecute. The study of law is a very profitable one; but whether they really get any intellectual training is a question upon which I have addressed this Honourable House. As regards engineering I have already informed the House as to what is the opinion of the expert adviser to the Indian Students Department. I have not the slightest doubt that the Honourable Member in charge of Education will bear these facts in mind in distributing scholarships in future, and in that hope I wish for leave to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

**The Honourable the President:** Mr. Iswar Saran does not move the next motion. The amendment next to that is only in order if the Government choose to submit it for discussion, as it is a non-votable item. If the Government are prepared to have a discussion on the matter, I would suggest that we should postpone it to to-morrow.

**Dr. H. S. Gour:** May I explain my position, Sir?

**The Honourable the President:**—Order, order. The item is non-votable in the estimates here. If the Government are ready for a discussion, then, of course, it can be discussed, but not otherwise.

**The Honourable Mr. W. M. Hailey:** I think, Sir, that this is a case in which we might give any information which we can to the House; but as it is a non-votable item I suggest, that as a matter of principle, formal amendments on the vote should not be discussed.

**The Honourable the President:** In that case, the amendment is out of order. Perhaps the Honourable Member had best seek the information by way of question and answer.

**Dr. H. S. Gour:** Yes, Sir. The first question I wish to put to the Finance Member is . . . .

**The Honourable the President:** The Honourable Member will have to put his questions on the paper.

The question is :

‘ That a sum not exceeding Rs. 1,07,72,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922, in respect of ‘ Expenditure in England ’.

As many as are of that opinion will say ‘ Aye ’.

**Rao Bahadur T. Rangachariar:** May I speak, Sir? I shall not detain the House for more than half a second.

**The Honourable the President:** I think I must put it; I have already put it from the Chair.

The motion was adopted.

**The Honourable Mr. W. M. Hailey:** Sir, I beg to move :

‘ That a sum not exceeding Rs. 1,82,65,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st March 1922 in respect of Refunds of Revenue.’

The motion was adopted.

*Expenditure charged to Capital.*

**Colonel W. D. Waghorn:** Sir, I beg to move :

That a sum not exceeding Rs. 17,78,11,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st March 1922 in respect of Railways.

**The Honourable the President:** The question is, that a sum not exceeding Rs. 17,78,11,000 be granted.

**Mr. T. V. Seshagiri Ayyar:** Sir, before you put that motion, may I point out that another Member has given notice of an amendment to this motion who being unwell has been unable to attend to-day. Under those circumstances, and having regard to the lateness of the hour, I move that the House be adjourned now.

**The Honourable the President:** The question is, that the debate be now adjourned.

The motion was adopted.

**The Honourable the President:** I have received information that Mr. Darcy Lindsay, who was appointed a member of the House Committee, is too unwell to serve and I am sure the House will receive that information with regret. It is, therefore, proposed to remove his name, and I appoint Mr. Price to take his place.

The Assembly then adjourned till Wednesday, the 16th March 1921.





## LEGISLATIVE ASSEMBLY.

*Wednesday, 16th March, 1921.*

The Assembly met in the Assembly Chamber at Eleven of the Clock. The Honourable the President was in the Chair.

### THE BUDGET—LIST OF DEMANDS—*contd.*

#### SECOND STAGE—*contd.*

#### *Expenditure charged to Capital—contd.*

**The Honourable the President :** Adjourned debate on Demand No. 31. The original question was :

‘ That a sum not exceeding Rs. 17,78,11,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1922, in respect of ‘ Railways’. ’

**Dr. Nand Lal :** Sir, I thank you for giving me permission to speak on this motion. Rai J. N. Majumdar Bahadur is said to be feeling indisposed and I, therefore, venture to take up his subject. I may not be able to do justice to it, but I shall endeavour to offer some suggestions. The motion before us now runs as follows :

‘ That the demand under head Railways be reduced by 10 crores. ’

**The Honourable Mr. Hailey :** Sir, may I rise to a point of order? The House will perfectly well understand that we do not in any way wish to restrict this scope of this discussion but desire, on our side, to know whether we are to discuss a motion that the demand under head Railways be reduced by 10 crores. As that motion has not been formally put, we should like a ruling from you, Sir.

**The Honourable the President :** The motion the Honourable Member is proposing to move stands in the name of Rai J. N. Majumdar Bahadur. Under the Rules, he is not allowed to take over a motion from some one else ; but if he wishes to move a small reduction, he can then raise whatever question he chooses.

**Dr. Nand Lal :** Now the amount for reduction is 10 crores, but it may be 3 crores . . . .

**The Honourable the President :** Order, order. I am not certain that the Honourable Member has understood me. If he wishes, he may move a motion for reduction to any amount if his object is to save money ; but if his object is to draw attention to certain questions of administration, the usual Parliamentary practice is to move for a small reduction, say one thousand rupees, merely in order to raise questions of principle. If he has the good fortune to carry the majority of the Assembly with him in a motion for this small reduction, the Government will, according to the Parliamentary practice, regard that as a vote of censure on their administration of Railways. But if

[The President.]

the Honourable Member wishes to save a substantial amount of money, then he moves the other question. That, however, for the information of this Assembly, is a very uncommon practice and ought not to be resorted to except on very exceptional occasions. If the Honourable Member wishes to move a motion for reduction in order to speak on the question of railway administration, he is at liberty to do so; but it is not necessary for him to do so because the motion I read out from the Chair just now opens the whole subject of railways.

**Dr. Nand Lal:** In that case, Sir, the motion which I beg to place before the House is:

‘That a reduction of Rs. 1,000 be made in the grant under head ‘Railways’.’

On this occasion I venture to suggest to this Honourable House that we should try to draw the mouth of the money bag a little tighter, because we have got a number of grievances against the administration of railways in this country. We have offered suggestion after suggestion, day after day and the railway authorities have responded by giving the stock reply ‘We are doing our level best, we shall try to do this and we shall try to do that’, but their efforts have not been fruitful. These grievances which I am going to enumerate, which I am going to narrate to this House, are substantial grievances. Now before I launch into this discussion, I should like to make some remarks especially in the form of a submission. I, as a Member of this Honourable House, look upon myself as a servant of both Europeans and Indians; of Hindus, Muhammadans, Christians, Parsees and people of other creeds and castes; and, if, as a common servant, I try to make out that one of my masters has a better room than another, or one of my masters has a little more comfort than another, then the submission, which I wish to place before you, I hope may not be misunderstood and that I should not be considered guilty of partiality. The spirit which has prompted me to prove that some sort of difference in treatment exists, is the desire for equality and harmony.

Now I turn to the list of grievances which, I venture to think, will be considered. The first item on that list is the corruption prevalent in the Railway Department. Some Members of this House will agree with me when I say, that at certain railway stations, you cannot get any thing until you have ‘greased the palms’ of the station master. You may say to him ‘I want this waggon loaded, my goods are lying here and they may perish.’ Or you may say ‘There is a very good market now and I shall get ample profit.’ He will immediately say ‘there is no stock’, but no sooner you hand over a couple of rupees than the stock turns up. In some instances it is more than Rs. 2, but I want to put my case in a modest way. Then a telegram is sent to the District Traffic Superintendent who replies that a number of waggons are available.

Look at the power of money, when it passes in the form of bribes. The thing, which was not in existence in the railway station, comes into existence after a few hours. Now, is it not a slur on the railway administration? Is it an exaggeration? Petitions after petitions have been made. What serious effort has been made to put an end to this evil? If you went yourself to send your goods from one station to another, if you took the trouble of going there yourself, it is quite probable that on account of your towering personality or on account of your having a great deal of influence, your goods may be received and an invoice or receipt, whatever it may be, may be handed over to you.

But if your servant goes there, who is in dirty clothes, he will have to wait for a couple of hours. And how will that time be shortened? I think the remedy is very easy. Pass on one or two rupees and the goods will be received. Is it not shocking that the Railway Department which, in a way, is a dealer and has to deal with the public, and is meant for the convenience of the public, puts the public to great inconvenience? This is my grievance No. 1. I offer the suggestion to the Government that the Government should kindly inform the Railway Department that the public has got a serious grievance against it so far as the question of the Traffic Department is concerned.

So much for the Traffic Department. Now, let us take the engineering department which is one of the sub-divisions of the railway administration. In some cases, no contractor is able to get a contract till he has promised some sort of commission to the officer who has got power to give that contract. In some cases, some officers are no doubt very honest. But in some cases it is extremely difficult to get a contract till you have promised some sort of commission. You cannot get payment till you have paid something for it. This also casts a great slur on the railway administration and this was brought to the notice of the Railway Department by some petitioners. The Railway Department, I may say, the high officials are very conscientious, and they are always in favour of improvements, and of removing those grievances in their own way. They have done something but my complaint is that that something has proved ineffectual. It has not brought about a desirable result. The efforts made by them were not strenuous, were not effective, they were weak. Therefore, I feel justified in offering my suggestion very strongly to the Railway authorities that they should put forth very strenuous efforts now and try to impress on the minds of some of their subordinates that they should try to abstain from taking bribes.

I now come to Item No. 2, or you may call it grievance No. 2 on the list of grievances. 'Difference in treatment in some cases, meted out to an Indian and a European traveller'. Both European and, I must confess, Indian officials, pay greater attention to a European passenger than an Indian. There colour is respected. My submission before this House is, that the Railway Department is a carrier. It is a kind of business concern. The colour is not to be seen. The question of payment is the only consideration. Whether a traveller be an Indian or a European, when he purchases a ticket, and is the *bona fide* holder of a ticket, he is entitled to equal attention, equal treatment and equal attendance, and my complaint is, that equal treatment and equal attention are not given in practice. It is quite probable—and I am quite prepared to admit, that high railway officials may on some occasions have issued circular letters to their subordinates to keep the letter of the law, and on some occasions have suggested to their subordinates that they should look upon all passengers as equal, but the fact remains that the subordinates and servants of the Railway Department, at a good many railway stations, do not pay attention to this direction at all. Sir, if an Indian is travelling, he may be travelling in a first class or second class compartment, if he says to a railway servant present on the platform 'I cannot get my berth', he says, 'Look for it and you will find it there.' Well, if a European passenger asks for a berth, the railway servant is at his beck and call. If the railway official is an Indian, he will be only too glad to accompany the officer and try to find out a berth for him. Sir, perhaps the other side may launch this criticism against this argument.

[Dr. Nand Lal.]

‘Hullo! he is your own countryman; an Indian! yet he is not prepared to help you. What help can you expect from the Europeans employed there?’ There is a cause for it. I do not blame the Indians much. Because, if that Indian traveller or passenger goes to the Station Master, who is a European, and lodges this complaint before him against that Indian servant of the Railway Department, the Station Master will say, ‘Well, go to some other man.’ Perhaps he may take it in a very light way. But, if the European passenger is put out, is put to some sort of inconvenience or discomfort, and he goes to the Station Master, the Station Master will come out and call upon the Indian servant to explain why he behaved like that. That is the chief cause. Some Indian servants also feel dissident about showing sympathy with their Indian brothers travelling on Indian railways. So, therefore, the unequal treatment which is observed is undesirable. I, as a common servant of both nationalities, look upon it as my sacred duty to point out this deplorable inequality of treatment. All of us must be in favour of harmony. This inequality of treatment does away with harmony. Therefore, I feel justified in offering this suggestion to the Government with the request that Government will impress on the minds of the railway authorities that they should see that this inequality is removed immediately.

Then the third item which stands on the list of grievances is this—That some of the railway servants—I mean to say those who are on the running staff—are thieves, they commit thefts. I understand the weight of my responsibility and I repeat it. If you send a parcel containing oranges or apples from one station to another, you need not expect to get all of them. No wonder in some cases if you send *ghee* from one station to another, in all kinds of peculiar ways, they will try to get some quantity of *ghee* out of it. And they take a pride in it. Do you know what they do with the stolen oranges or apples?

They make a present of them to their friends, and they take a pride in it. There is a Punjabi proverb, a very popular one,—I must say there must be a corresponding proverb in other provinces too—the significance of which is this. If the fencing wire spoils, damages or eats the standing crop, then the peasant must cry. That is, if the fencing wire, which is called the *bar*, the hedges artificially fixed into the ground to prevent cattle trespass, is going to eat up the standing crop, then there will be no protection available for the standing crop of that peasant. Similarly, if some of the running staff, some guards, who are the custodians, the trustees, of the articles of the public, commit thefts like that, I say where is there security? It is detrimental to the income of the Railway Department also. Do you know what is the result? If Mr. Joshi wishes to send a parcel of oranges to me, he will entertain great fear that perhaps all the contents may not reach me. Therefore, he will send them through some ordinary traveller, so that, the whole of the basket may come to my hands. Is it not a pecuniary loss to the Railway Department? If I were the carrier, my first attempt would have been to ensure that every one should send things through me so that I might get the freight. Here the Railway Department loses so far as the monetary aspect is concerned, and on the top of it gets a bad name on account of some bad servants. The higher authorities are very good and very conscientious people. The Railway, as a concern, has got very good intention, because we see the intention in the Railway Act and circulars and standing orders. But

some of its servants sometimes play havoc. Perhaps you will say, 'Then the servants are to blame, and not the Railway Administration. All your talk is idle talk.' I submit, it is not idle talk. It is very useful talk. I shall place a hypothetical case before you to illustrate my point. A is a gentleman. He has got excellent manners, is very polite, very conscientious and very good, socially and morally, and visitors come to see him. Unfortunately he has got a servant or bearer, B, who is posted in the veranda to receive his visitors. A is absent from the house. A tells bearer B: 'If visitors call at the house, tell them I shall be here after a couple of hours'. Now suppose a visitor C comes and asks B: 'Where is your master?' B says: 'I do not know. I can't say when he will come'. C asks: 'At what time will he come?'. B says: 'Sometimes he turns up at the dead of night or he may turn up now'. He does not offer him a seat or a chair. Then C says: 'All right. Keep this visiting card with you'. B replies: 'No, no. I have not got a good memory. Perhaps I may forget to hand it over to my master'. Then the visitor keeps standing there so that some other servant may come. No other servant is available. After all he feels disappointed and goes back. He meets A later on and tells him: 'I had gone to see you on a certain day and you were not at home'. Thereupon A says: 'I am very sorry that I was absent from my house. I beg your pardon.'

**The Honourable the President:** Order, order. I do not quite understand what the Honourable gentleman's bearer has got to do with the construction of Railways.

**Dr. Nand Lal:** This has got a very close bearing on this point, namely, that the master A is a very good man, but the bearer refuses to receive visitors and A gets a bad name simply because the bearer has got peculiar habits, and does not carry out his duties. That is the bearing. That is the point which I am placing before this Honourable House. The Railway Department's intentions are good, the employers are good, but the servants who have been employed do not look to their duties properly, and thus the master, the Railway Administration, gets a bad name for nothing. I have brought forward this hypothetical case in order to illustrate my point. Therefore the suggestion which I put forward very strongly before this House is, that we should urge upon the Government to impress on the mind of the Railway Department that they should try and see that these sort of defects are removed. Some Station Masters don't care to talk to you. If you ask: 'Where is the carriage?', they will say: 'The carriage is there'. 'From whom may I inquire?' 'There is the man'. If you go to that man, he will say: 'It is not my duty'. Now what will be the condition of the mind of the passenger there? Could you believe for a moment that he would admire the Railway Administration? The uppermost idea in his mind would be that this administration is very defective.

Now I come to another grievance, the condition of the third class passengers on the railways. Look at the irony of fate of these miserable people? They are the source of income to the railway so far as the booking traffic is concerned. I do not mean to say parcels, but I mean to say so far as the income, which comes from the travelling public, is concerned. They, as a matter of fact, are the best pay masters. Let us examine the condition in which they are placed when they are travelling on the Railways. To my mind—I may be making a mistake—they are not, in some cases, considered any better than chattels. They are in some cases treated as if they are inanimate objects.

[ Dr. Nand Lal.]

Sometimes they are put in a wagon which perhaps you would not like to see your horses put in. Sometimes they are put in a third class carriage the capacity of which may not be sufficient to accommodate even 70 passengers, but you will be startled to see that more than 100 passengers are there even in summer. One passenger sometimes has got to support another passenger leaning on him because there is not even standing room. At some stations they cannot get even a drop of water. They ask: 'Where is the waterman?' There is none. And if there is one appointed by the Railway Department, do you know what he is doing? Perhaps he is cooking the food of the Station Master or rendering service privately to the Goods Clerk. The poor fellow is not to blame. He must obey the gentleman under whom he is placed. The Railway is not to blame too, because they have appointed a waterman. So far as the Railway Administration is concerned, we may say: 'Of course, the railway have made this provision. A waterman has been appointed'. And so far as the waterman is concerned, he is not to blame either, because he has to obey the Station Master. The Station Master says: 'Go there; my guests are in the house; attend to them.'

**The Honourable Mr. W. M. Hailey:** May I have your leave, Sir, to interrupt the Honourable gentleman on a point of order? I wish to point out, Sir, that there are two heads for expenditure on Railways in our estimates. Demand No. 10, with which we have already dealt, deals with the administration of railways and their working expenses. -

Demand No. 51 deals with construction of State Railways, and the items of construction of State Railways are shown in Appendix C. It is in no sense desirable that there should be any restriction on the discussion of railway matters, but I wish to point out, Sir, that the Head No. 51 which we are now discussing is not that relating to the administration of railways but that relating to the expenditure on construction and extension of railways.

**The Honourable the President:** The point of order is valid. The Honourable Member has enjoyed his opportunity. It has taken me some time to go through Appendix C to find out whether he is in order, and I conclude that he is not. I must ask him to address his remarks now to the construction of railways alone.

**Mr. N. M. Joshi:** A point of order, Sir. I should like to know whether purchases of wagons and new carriages are included in this item or not?

**The Honourable the President:** That is not a point of order, but only a request for information. I think the Honourable Member should not interrupt the speech unless there is a real point of order. If the Honourable Member is out of order in raising a question, then he may interrupt him, but to interrupt and ask a question for his own personal information is not provided for by the rules of debate and will not be permitted by the Chair.

**Dr. Nand Lal:** A perusal of the details shows that there is not only the construction of railways, but other items also. Will this House be kind enough to bear with me for a minute and see the remark on the page of Demand No. 51? There is, in a way, a note indicating 'For details see Appendix C', and when I look into Appendix C, I find that there are a good many other things. If I have got a correct copy of Appendix C, then I think I am right in making this submission, that there is not only the construction

of railways, but also Open Line Works, Stores Transactions, etc., because the note under Demand No. 51 indicates that for details we should look into the Appendix C, and Appendix C dilates upon, in any case, alludes to a number of other things, such as rolling stock, paying off the money which we owe to the dealers in England from whom we purchased stock, and the outstanding liabilities . . . .

**The Honourable the President :** Will the Honourable Member show me a specific item which deals with the administration of railways and not the capital cost of construction in various forms.

As I told him, I have given him a very large latitude because it has taken me some time to find out whether he was in order or not. I still give him a chance to prove that he is.

**Dr. Nand Lal :** I think the very heading which I find printed on the title page of State Railways Appendix C also supports me, 'Capital expenditure not charged to revenue in India and in England'.

So, I invite the attention of the Assembly to the miserable condition of the third class passengers. After referring to this, I may make certain admissions before this House, and they are that some railway servants are really very useful, they understand their duty, though some are not useful at all. Therefore my submission is . . . .

**The Honourable the President :** There is nothing under this head which deals with the wages of railway servants.

**Dr. Nand Lal :** Then the question is, whether what is proposed to be constructed now should be allowed to be constructed? The railway that has been constructed has given us this benefit, this is the treatment that we have got at its hands. I think this new addition will do the same. Should we part with our money, should we call upon our taxpayers to pay for their additional misery? Therefore, my suggestion, in a nutshell, is this, that this House should unanimously reduce the demand by this amount, which is a very small and insignificant amount, so that the Government may come to know that the people, really and seriously, feel dissatisfied with the administration of the Railways.

**The Honourable Sir George Barnes :** Sir, you have ruled out of order the Honourable Member in practically all that he said, but I hope that you will allow me to say a few words which will be equally out of order in order to give some answer to the charges that he has brought against the railway administration.

The first subject on which he touched was corruption in the railways. I quite agree, and I deplore it, that corruption does exist on the railways. It has been my endeavour ever since I have been in India to put an end to it. You will realise how difficult that is when the public will not help. I came across some time ago a millowner from one of the centres of the mill industry who told me, that he had paid Rs. 50 in order to procure a wagon. I said, 'You are the man that I have been looking for', and asked him to give me particulars in order that we might prosecute the offender and bring the case into Court at once. He fled from my room and absolutely declined to give me any information at all and said nothing on earth would persuade him to come forward and give evidence. Then I came across an official who told me that one of his



[ Sir George Barnes.]

servants had paid some money in order to get a wagon for the removal of his furniture. I said again, 'You are the man I am looking for', and begged him to come forward and give me particulars, but I failed to persuade him. That is what happens again and again, and if the public would only help the railway administration, we should put an end to this corruption in a very short time. It is the absence of help from the public that enables this corruption to go on, and I do earnestly hope that every Member here will try and help us in this respect. If they will do this, it will be a real service to the railway administration.

The next subject that I have got down in my note of what the Honourable Member said, is the difference of treatment by railway officials of European and Indian travellers. I gathered that the difference of treatment was mainly by Indians and not by Europeans and I gathered also that the Honourable Member suggested that the Indians took their cue from the European Station Masters. Well, I do not believe that that is the case, and in any case, the European Station Masters are exceedingly few in number, nearly all the Station Masters are Indians. But here again, if the Honourable Member would bring any case to our knowledge and tell us of any differential treatment, he would do us a great service. We are very very anxious to put an end to any differential treatment and I hope Honourable Members will help us in this respect as I hope they will in the other case.

Then the last matter touched upon by the Honourable Member was the accommodation for third class passengers. I quite agree, that it is not good. On the other hand, we must remember, that the third class passenger in India is carried at a much lower rate than any passenger, I believe, in any part of the world. He pays very little and he gets very little. I must say, that the Indian third class passenger does not seem to me always anxious to secure his own comfort.

I have noticed sometimes a third class compartment always empty and the compartment next to it absolutely crammed, simply because they preferred to be close together with their friends. That is sometimes the cause of overcrowding. As I pointed out, sometimes the third class accommodation is not sufficient in quantity or quality and we ought to try to improve it and, if possible, without increasing the cost to the third class passenger.

**Mr. A. D. Pickford :** Apart from the loss of my Honourable friend Mr. Majumdar's genial presence here, I am quite sure, that this House must be very sorry that he is not present to explain the reason for the somewhat extraordinary motion which is on the paper in his name, namely, a motion to reduce this demand by 10 crores of rupees. One could not help wondering a little what the working of his mind in this matter exactly was. One could only suppose that he said to himself :

'I am precluded by the rules of the House from suggesting an increase to this Budget amount. Therefore I must put down a decrease and when I come to speak on the subject I shall propose an increase'.

That is the only theory on which a reduction of 10 crores from an already inadequate provision would seem to be justified. That is a point on which, I have no doubt the representative of the Railway Board will be able to enlighten us later and therefore I suggest that it will be a good thing if he can give a definite assurance to this House that this new construction is confined absolutely

to necessary construction, necessary new construction. There is a very strong feeling I know amongst persons connected with commerce and industry, that it is up to the Railway Board to put the existing lines in order before they play about with new schemes. One must comment again on the utterly inadequate provision under this head of 'Railways'. It does not matter whether it is a question of administration or a question of construction. A certain man intimately connected with railway work remarked to me the other day that we people in India must be the most patient people in the world. He said, that if in any other country in the world railway construction had been so grossly neglected, and I am afraid he was bold enough to use the word 'mismanaged,' there would be such a row as would ring from end to end of the country. Well, I think, it is about time that we told the Railway Board that we are nearly at the end of our patience. The war as an excuse is being worked to death. It is now a question of war, but the railways of India were neglected, and grossly neglected, long before the war. I would refer Members to the terms of the Report of the Mackay Committee and ask whether any very serious effort has ever been made to work up to the programme which was indicated there as the minimum for the maintenance of the railways of India in proper condition. We cannot raise the question now of increasing the sum, but I say this merely in the form of a warning that I feel perfectly certain that commerce and industry and I believe the general public also in the interests of general safety and comfort will hammer at this subject until the Railway Board is aroused from its lethargy. Leaving that point, may I, at the risk of being called to order by the Chair, just say one word in reply to the Honourable Sir George Barnes. He asks for the assistance of the general public in putting down abuses and everybody will be in sympathy with that demand. Let me tell him that a good many years ago, when I was in Cawnpore, I did hand up to the General Traffic Manager of the railway a very gross case of attempt at getting money wrongly. The form it took is an indication that there is a good deal of truth in what my friend, Dr. Nand Lal, said. It consisted of a letter from an Assistant Store Keeper of a certain station. The letter ran :

'Dear Sir, overleaf I give particulars of a bill which I have just passed. Kindly remit 2½ per cent. as all others do.'

I handed up that case. I was subjected by the railway to an amount of oppression that was perfectly monstrous. The case was brought on at Monghyr. I was the only responsible man in charge of my firm at the time. I was twice told that I would be committed for contempt of court unless I appeared in Monghyr. When I complained to the Agent, all he said was that surely I ought to be satisfied, that my conscience ought to be satisfied, with having done the correct thing. Well, the answer, Sir, that I gave him was this and I have been true to the answer that I then gave that nothing on earth will ever persuade me personally to assist a railway in preventing bribery and corruption in the future. It is not a one-sided question at all. The railways do not help either. I am prepared to give full particulars to the Honourable Sir George Barnes of this particular case after this House disperses.

**Mr. A. P. Sinha :** I beg to be informed whether, in devoting money to the construction of railways, only those railways are taken up which are considered important from a military point of view or whether the popular or

[ Mr. A. P. Sinha. ]

the civil standpoint and the convenience of the people and commerce and such other things are also considered.

**Mr. Amjad Ali :** I wish to say a word or two in reply to the Honourable Sir George Barnes. He said, that two persons came to him with certain complaints, regarding the railway administration, of bribery and that he at once wanted to take steps to bring the wrong-doer to book, but the mode suggested was very difficult. He said to the man who complained, 'You are just the sort of man I have been looking for. You had better bring your evidence and I shall put the man to court'. Well, Sir, I may remind him that now-a-days everybody is aware of sections 181 and 211 of the Indian Penal Code. When a man brings a complaint before a court of justice or before a person in authority and he fails to prove it, he knows well that he will be put on his trial under those sections 181 and 211. Now, Sir, he was pleased to ask him to bring his evidence at once. The man very wisely did not do that, because he knew if he failed to substantiate the charge that he brought, the result would be that he would be hauled up before a Court of Justice for trial. Since if he failed to prove his case, his complaint would be declared false and as a result he would be hauled up before a criminal court.

Sir, it has to be borne in mind that in complaints like this people generally cannot avail themselves of good evidence. Suppose a stranger is treated with incivility by a railway servant. When he goes to the higher authority it is not possible for him to secure good evidence . . . .

**The Honourable the President :** Order, order. If the Honourable Member wishes to discuss the construction of railways, he may. He cannot continue on the topic on which he is at present.

**Mr. Amjad Ali :** With reference to the ruling of the Honourable the President, I simply say that I am saying something in reply to two grievances. I am just going to submit the mode of punishing the wrong-doer.

**The Honourable the President :** I have allowed enough latitude on that subject. I have permitted Dr. Nand Lal to say so much and I had to allow the Government Member a similar latitude, but I can allow it no further.

**Mr. Amjad Ali :** With these words, I beg to take my seat. .

**Rai Bahadur Bakshi Sohan Lal :** Sir, so far as the construction of railways is concerned, I may be permitted to point out that there are some schemes of railway extension which are said to be of absolute necessity and which have been promised over and over again by Government and about which I think Sir George Barnes knows better than myself, but no work in connection with them has up to this time been taken in hand. For example's sake I may mention some of them. One of them is the extension of the railway from Pathankote in the Gurdaspur district to Nurpur in Kangra district. Previous promises given about this were many, but in 1914, there was a Camp of the late Lieutenant-Governor, Sir Michael O'Dwyer, at Nurpur and all the people were collected there not only from Nurpur but also from other parts of that district. In that large assembly, the Lieutenant-Governor publicly announced on the 25th of July 1914, more than six years ago, that when he came the next year or the next time to that district, he would come

by railway at least up to Nurpur, though he stated that there was a scheme to extend the railway up to Baijnath in the Palanpur tahsil and up to Buklo in the Gurdaspur district. But so far as Nurpur was concerned, the people were led to believe that it would be ready by the next year or at least by the next visit of the Lieutenant-Governor.

There are some other railways of the same nature, one from Mukarian to Talwara in the Hoshiarpur district and a third scheme of railway from Killa Sobha Singh to Lahore *via* Shahdara. There are many other schemes but I have been constrained to bring these to the notice of the Assembly to show, that when a head of the Government makes such announcements and they are not fulfilled, it does not look very nice amongst the people. I think that at least extension of railway to Kangra district is one of these schemes, which is of absolute necessity from all points of view, from the military point of view, from the traffic point of view and from the point of view of the convenience of the people. From every point of view, some of these railways are an absolute necessity and when such large amounts are being proposed for railway construction, there is no reason why some of these railways which have been sanctioned, and for which the surveys have been made, should not be taken in hand. \*

[At this point, Mr. S. Sinha walked down the gangway in front of the Honourable Member (Rai Bahadur Bakshi Sohan Lal).]

**The Honourable the President:** Order, order. This is a worse case. The Honourable Member must remember the rule about intervening between the Chair and the Member addressing the House.

**Colonel W. D. Waghorn:** Sir, I am rising to reply to a motion dealing with a somewhat different subject to what I had anticipated. What I expected to have to deal with was the question of the reduction of our construction vote by 10 crores of rupees. Before I go into this question I think it will be as well possibly if I explain to the Members of this Assembly that there are two distinct sides of railway accounts—(1) is the revenue for the maintenance and working of our lines and (2) is for the capital expenditure necessary to bring our open lines up to date or for improvements in connection with the working, for additional stock and for new construction. Owing to the very severe restrictions which we have suffered at the hands of the Honourable the Finance Member, we have this year had to cut out all kinds of new construction. Lines which are under construction are in some cases being continued but no new construction is being commenced. Perhaps if I give the main heads of expenditure under this item 51—Capital Expenditure, it will explain the situation. Out of a total amount of Rs. 17,78,11,000, we are spending on open line improvements Rs. 16,53,10,000 and on completion of lines under construction Rs. 1,19,01,000.

Out of this total of Rs. 17,78,11,000 Rs. 8,63,11,000 is required to meet liabilities already incurred in England which must be met in 1921-22. These liabilities represent the cost of rolling-stock and stores which have been ordered and not yet delivered. Of the amount shown under open lines a sum of Rs. 2,67,23,000 is to be expended on rolling-stock, the deficiency of which at present is a matter of great concern to the public and of anxiety to the Railway Board. The balance is to be devoted to works of open line improvement and of the extension of yards, doubling lines, etc., which are

[ Colonel W. D. Waghorn. ]

absolutely necessary in order that railways may be able to make the best use of the stock at their disposal.

Now, in regard to the lines under construction, I may mention the following which gives the total expenditure of Rs. 1,19,01,000 :

	Rs.
The Khyber Railway . . . . .	45,40,000
The Onlajori-Badampahar Railway (Bengal Nagpur) . . .	3,24,000
The Amda-Jamda Railway (Bengal Nagpur) . . . . .	25,00,000
The Bermo-Sawang section of the Bengal Nagpur and East Indian Railways . . . . .	6,00,000
The Dholka-Dhanduka Railway (Bombay, Baroda and Central India) . . . . .	5,00,000
The Kasti Coal Fields Railway (East Indian Railway) . . .	4,37,000

Of these items, the second, third, fourth, fifth and sixth, with the exception of the Dholka-Dhanduka Railway are coal lines.

Then we have the Itarsi-Nagpur Railway which we wish to see completed, 10 lakhs; the Bombay Harbour Branch, overhead connection, Great Indian Peninsula Railway, 10 lakhs; and the Majri-Radhapur Railway, 10 lakhs. This gives us a total of Rs. 1,19,01,000.

My friend, Dr. Nand Lal, took exception to the treatment of passengers and certain other matters connected with the working of the railways. The Honourable Sir George Barnes has already replied to many of these points, but the only matter which I think has any bearing whatsoever on the present estimate is the matter of the urgent necessity of increasing our **third-class** accommodation. That is very necessary, and that we are endeavouring to do.

Mr. Pickford requires an assurance that additional expenditure is to be incurred only against absolutely necessary new construction. If I say there is no additional expenditure against any new construction, I suppose he will be satisfied. As regards Mr. Pickford's statement about a case of bribery which occurred some years ago, I shall be glad if he will furnish me with a copy of the correspondence and I will have the matter taken up.

Mention was made just now by an Honourable Member in regard to certain branch line extensions. Well, I have already explained that we cannot undertake any extensions. All the money we are getting now is absolutely essential to bring our lines up to date to meet existing traffic, let alone traffic which is coming in future. I fully recognise the shortcomings of the railways, but we certainly shall not be able to improve matters if there is anything in the nature of reduction. The reduction here is in the nature of a vote of censure, but I need hardly say we must have money if we are going to overcome our difficulties.

With these remarks, I beg to oppose the motion.

**Lala Girdhari Lal Agarwala :** With reference to the remarks made by the Member in charge of Railways, I submit that the necessity for the construction of railways should be taken from the point of view of the public and not only of the Department. There are several districts, even district headquarters, in India which are not yet connected by railway. I might, for example, state that in the United Provinces the important district of Bijnor

is not connected by railway, although we have been hearing of a project for a long time past. Similarly, there is another district, the district of Etah, an important district, which suffers from the same disadvantage. So I submit that the necessity for new constructions should be the necessity felt by the public and not by the Department.

Now, with reference to the form of the carriages, I submit, that the Department generally constructs railway carriages according to its own lights and does not take the public view into consideration. For example, I myself have travelled to Calcutta, Bombay, Madras, Lahore, Rangoon and several other places and I have come across railway carriages made of different sorts; in some of these carriages there is convenience, in others there is a good deal of inconvenience. So, I submit, that the Railway Department ought to take a few gentlemen from the public into their confidence in planning railway carriages and in other matters also. If they did that, perhaps they would be able to satisfy the public much better than they do now.

Of course it is useless to repeat what has already been said by Dr. Nand Lal, that the railway administration is not at all a success in the estimation of the public. So I submit, that the Honourable Member in charge of the Department would be well-advised if he were to take into consideration the opinion of the public, in the matter both of the extension of railways and also the construction of carriages.

**Babu J. N. Mukherjea :** Will the Honourable Member in charge tell us what has become of the railway lines that were sent from India to Mesopotamia during the War? Have they been replaced?

**Mr. Harchandrai Vishindas :** And may I supplement the question put by the last speaker by another? What has become of that portion of the Nagpur-Itarsi Railway, the rails of which were picked up and transported across to Mesopotamia?

**Colonel W. D. Waghorn :** I think I have already given replies to these questions in the form of replies to questions already asked. In some cases, at any rate, we have started replacing the lines. In other cases, where we are very short of permanent way, there has been some delay in relaying the lines. We are, however, doing everything we can to get them replaced as soon as possible.

As regards the section of the Itarsi-Nagpur Railway, I am not aware that the rails were actually taken up. Rails which were required for Mesopotamia were possibly removed during the war for more urgent work—not removed from the line itself but from the Mills. They will be replaced as soon as we can get others.

**Mr. S. C. Shahani :** May I also inquire as to what has happened about the rails which were taken from the Hyderabad-Badin line and sent to Mesopotamia?

**Colonel W. D. Waghorn :** The Hyderabad-Badin was one of the lines I had in mind when I replied to the first question. Those rails were taken away, and as soon as rails are available, we intend to relay them. The formation has been made, the ballast has been spread, and everything is ready and only waiting for the rails.

**Khan Bahadur Zahir-ud-Din Ahmed:** Sir, so far as the construction of new Railway lines is concerned, I am for it and not against it. There is a Bengali saying :

‘ Nâi mâ bhâlo nâ kânâ mâ bhâlo ’,

which means whether no mother is better or a blind mother is better. My answer is, a blind mother is far better than no mother. The part of the country I come from—I am a Manickganj man in the district of Dacca—has no railway. It is easier for me to come to Delhi, 1,000 miles away, than to reach my home from the town of Dacca, the distance not being even 50 miles. If the Railway is an evil, I say, it is a necessary evil and we must have it, hence I am against the motion.

**Mr. P. P. Ginwala :** Sir, the Honourable Member for Government has just given the House a certain number of figures as to how this money is to be spent. I should have been glad to vote double those figures if I were satisfied on one point, and that is a point to which reference has already been made by the Honourable Sir George Barnes and Mr. Pickford. I am in a position to tell the Honourable Member one or two facts which will open his eyes to some extent, I hope. I am referring to the question as to whether the increase in the rolling stock and in the number of wagons is going to put an end to the corruption which exists—especially in the traffic department of most railways. I am only speaking now of one railway, because I happen to know some facts about it which came within my knowledge in the ordinary course of my professional work. I think that if the Honourable Member were to go to Rangoon and ask some of the biggest firms there, he would be told that there was a system by which regularly every month bills were made out against some of the biggest millers at one rupee per wagon by a section of the traffic department. I have seen some of these bills with my own eyes . . . .

**The Honourable the President :** Order, Order. That subject was brought an end by the ruling before. The Honourable Member must devote himself to the construction vote.

**Mr. P. P. Ginwala :** Yes, Sir. I was only referring to this question to find out whether an improvement in the rolling stock and wagons would improve the position. If that is not going to be the case, I propose to vote against the item. That is my position. As I was going to tell you we did draw the attention of the railway authorities to this system, and if the Honourable Member wishes to have these papers I shall send them to him in due course, if I have them. But now let me tell you what happened exactly. A person who was very much interested in getting rid of this system wanted to establish in a court of law that the system existed. First of all, he objected to the payment of the sum of Rs. 5,000 odd—I forget the exact amount now—which was charged against his account which was sent to him by the commission agents and millers. By some mistake or other in the office the amount was allowed to be deducted from the account. He then filed a suit for the recovery of this sum which had been deducted on the ground that that sum had not been paid as alleged to the railway authorities. Evidence was given to prove that the sum was actually paid by the manager of this big milling firm; but the court was not satisfied as to whether he did not get this money or some of it himself, and of course we won the case and got a decree for the amount. It went up on appeal and we found that the appellate court did not want to

go into this question. It decided the case on another ground and the appeal was allowed. After that the papers were submitted, if I mistake not, to the Railway Board. Short of evidence which would suffice for conviction in a case of bribery everything had been proved to establish that this custom existed and that the money was paid. Of course I expected that something would be done by the Railway authorities and that this particular railway official would be removed forthwith; but, as a matter of fact, he remained there for over two years more or less and has since retired. The public, therefore, are not to be blamed if they do not go to the Railway Board and if they refuse to give evidence though this man had spent large sums of money in order to establish that this system did exist, nothing came of it. I hope, Sir, that something will be done to mitigate this evil. If you examine the books of almost any big firm, you will find there entries of thousands of rupees to show this money is paid in this way. I myself have seen it entered on books of a very large number of firms.

**Mr. Mahmood Schamnad Sahib Bahadur:** Sir, speaking about the improvement of the existing systems of railway, I beg to say that if we spend money at all on the improvement of these railways that money must be spent usefully. The Honourable Sir George Barnes has said it is not the want of third class carriages that is the cause of overcrowding, but passengers like to sit together and so this happens. He also gave an instance—that he saw in a certain station where there was a compartment fully crowded, the next one was vacant. In many stations . . .

**The Honourable the President:** Order, Order. The Honourable Member did not apparently hear what I said from the Chair. That subject is now ruled out of order.

**Mr. Mahmood Schamnad Sahib Bahadur:** What I want to say, Sir, is, that we should have more superintendents of third class passengers and goods . . .

**The Honourable the President:** The Honourable Member may ask for more third class carriages; he may not ask for more superintendents.

**Mr. Mahmood Schamnad Sahib Bahadur:** If there are more superintendents, there will be less empty third class carriages and there will be no trouble.

**Dr. H. S. Gour:** I move, Sir, that the question be now put.

The motion that the question be put was adopted.

The question :

‘That the grant under Railways be reduced by Rs. 1,000’

was negatived.

**Dr. Nand Lal:** May I ask for a division, Sir?

**The Honourable the President:** The Honourable Member is too late.

The original question :

‘That the sum not exceeding Rs. 17,78,11,000 be granted to defray the charges, in respect of ‘Railways’.’

was then adopted.



**Sir Sydney Crookshank :** Sir, I beg to move :

‘ That a sum not exceeding Rs. 3,14,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922, for ‘ Irrigation in the North-West Frontier Province. payment in the North-West Frontier Province on works not charged to revenue ’.’

The motion was adopted.

**Sir Sydney Crookshank :** Sir, I beg to move :

‘ That a sum not exceeding Rs. 1,03,95,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March, 1922, for ‘ Delhi Capital Outlay. ’

DELHI CAPITAL OUTLAY.

**Mr. Piyari Lal Misra :** Sir, I beg to move :

‘ That the demand under head New Capital at Delhi (page 361) be reduced by Rs. 1,25,000.’

I beg to refer the House to this page 361 which shows the salaries and allowances of the officers who are appointed to look after the Delhi works. We find here 1 Chief Engineer, 2 Superintending Engineers, 7 Executive Engineers—here I must request the Member in charge for information on the items to which I shall make special reference. 7 Executive Engineers and 6 Executive Engineers—here I want information from the Honourable Member in charge as to what he means by 7 Executive Engineers in italics and 6 Executive Engineers in ordinary print. We find again 2 Assistant Executive Engineers in italics, and 17 Assistant Executive Engineers and 3 Assistant Engineers in ordinary print. There are thus altogether 38 big officers.

Then we come to Temporary Subordinates : after this you have 2 Architects of Central buildings, and 1 Sanitary Engineer. I believe the latter gentleman is not necessary, for I am informed that the Executive Engineer, 2nd Projects Division, looks after the work of the Sanitary Engineer. Then, we have, in addition to the two Architects mentioned above, one more Architect. Then, again, after these three Architects, we come across one Assistant Architect in italics and one Assistant Architect again in ordinary print, that is, 2 Additional Architects. I should, therefore, like to have some information from the Honourable Member in charge as to why it is necessary to have 4 Architects.

Again, we have 1 Electrical and Mechanical Engineer. I am told that this Electrical and Mechanical Department can be looked after, and is being looked after, if my information is correct, by the Executive Engineer, Central Projects Division, and by another gentleman who holds charge of a third Project Division. Therefore, my submission is, that the post of Electrical and Mechanical Engineer should be done away with.

Proceeding further we come across the miscellaneous appointments, under which head we find Surveyors and Works Assistants and 1 Estate Officer. I wonder what the last mentioned gentleman looks after, and I should like to know the technical qualifications of this gentleman and the duties he is performing. My submission is, that the work for which the Estate Officer is paid Rs. 11,500 a year, can be looked after by some Executive Engineer or even an Assistant Engineer.

Then we have establishments and Health Officer and Sub-Assistant Surgeons and so on.

Then under Conservancy, there is one Superintendent, and I am particularly inquisitive about this officer, for I do not see, at least I have not come across this gentleman so far, and I do not know what duties he is discharging, whether he looks after the comforts and conveniences of the Members resident at Raisina or simply stays somewhere in Raisina.

We have again two heads, Arboriculture and Horticulture, under which there are two Superintendents, one for Arboriculture and one for Horticulture, whose pay aggregates in all to more than Rs. 19,000 per annum. I submit, if my information is correct, that this work is being looked after at present by some Executive Engineer belonging either to the 4th Project Division or some such division, and, therefore, there does not appear to be the slightest necessity for maintaining these two gentlemen at such a heavy expense. So far as I understand the position, and so far as our knowledge of local affairs goes—of course we are altogether new to New Delhi or Raisina—I do not find there is much field for the exercise of duties on the part of these two gentlemen here who are styled as Superintendent of Arboriculture and Superintendent of Horticulture. The Honourable Member in charge, I am sure, is perfectly aware that in ordinary circumstances, the Executive Engineer looks after these two departments, that is, Arboriculture and Horticulture. Therefore, my submission is, that these two posts of Superintendents of Arboriculture and Horticulture should be abolished.

Then, we come, Sir, to travelling allowances amounting to Rs. 1,03,000 per annum. I am also inquisitive about this question of travelling allowance. I do not know whether the officers mentioned above go about travelling throughout Raisina from one end to the other or whether they have to go out of Raisina and out of Delhi in connection with their duties to require travelling allowance to the tune of Rs. 1,03,000 per annum. I shall be obliged if the Honourable Member in charge will enlighten me on this item of travelling allowance, as the total expenditure as shown already amounts to no less than Rs. 11,31,000 per annum.

Now, we have been told that this work has been going on at Raisina for the last 8 years, and multiplying this sum of Rs. 11,31,000 by 8 years it comes to more than Rs. 90 lakhs for the total period of 8 years, and we are perfectly certain, and we know perfectly well from inquiries made from gentlemen in charge of the works at Raisina, that it will not take anything under 8 years, if not 10 years, to complete the works, but assuming that the work goes on for another 8 years, roughly speaking, then this whole top-heavy administration will require another Rs. 90 lakhs. That would amount, roughly speaking again, to Rs. 2 crores in 18 to 20 years, that is, the total period from the commencement till the completion of the work at Raisina for establishment alone. I submit, Sir, this sum of Rs. 2 crores is almost tantamount to the expense of the administration of a small province, and this is really very high. We were complaining yesterday and the day before yesterday that we have in the North-West Frontier Province a top-heavy administration. My complaint to-day is that this new Delhi Province is equally top-heavy, for I should like to know distinctly and very clearly the necessity of maintaining so many officers, Architects after Architects and Engineers after Engineers, whether these gentlemen are kept in Raisina always or whether they have to go out, what duties they

[ Mr. Piyari Lal Misra.]

perform, in fact on all these points I should like to have some information. I must make it perfectly clear to the House that I have not the slightest desire to embarrass the Government with regard to the construction of works in New Delhi, and in my opinion, the sooner the works are finished the better. But surely we must ask them to look also to economy and the reasons for the necessity of maintaining so many officers. For if we go on keeping such a large staff unnecessarily, it will mean a heavy burden to the poor tax-payer, and he should be relieved of this burden to a certain extent, at least to the extent I have mentioned here. The amount I propose to reduce is very small, *viz.*, Rs. 1,25,000 from the total provision. I therefore specially appeal to the House to look to this item of expenditure, and I hope the House will support me and support very warmly on this motion.

**Sir Sydney Crookshank:** Sir, if I may be permitted to do so, I should like first to answer to the criticism which has been levelled at the establishment item, namely, Rs. 11,31,400. Now, Sir, the Honourable Member who put forward this motion has been singularly unfortunate in his attack on the establishment charges of the Delhi Province P. W. D. from the shelter of the glass house which he lives in when I inform him that the establishment charges of the province which I understand he represents and which, I may also state, is my own province, namely, the United Provinces, amounts to no less than 19 per cent. on the works charges; whereas the Delhi percentage only amounts to 11·8 per cent. on works charges and is, with the exception of Hyderabad, where nothing is doing, the lowest percentage charges for P. W. D. in the whole of the Indian Empire. Elsewhere, in provinces like Madras, Bombay, Burma and Central Provinces, the establishment percentages amount to 23 per cent. and they are 21 per cent. for Bengal, 18 per cent. for Punjab, 24 per cent. for Bihar, 24½ per cent. for Burma and so on and so forth.

The Honourable Member made reference to the very large number of officers who carry out Public Works duties at Delhi, but I must point out to him that Delhi is not merely the New Capital. As I stated the other day, Delhi comprises the New Capital, the Notified Area, the Provincial Civil Works, the Dehra Dun Forest Institute and the new Cantonments, and the total expenditure under all these heads being somewhere over Rs. 1,50,00,000 per annum, the establishment which is here detailed is by no means excessive, and, as I pointed out, is really a very reasonable one. The Chief Engineer (shown voted) is an officer who has recently retired and has been re-engaged under an agreement, and we thereby save the whole of his pension charges: so I think the House will admit that that is a good bargain, especially as we have an exceptionally experienced officer in Mr. Keeling.

The Superintending and Executive Engineers which he refers to are some of them voted and some of them not voted. As regards these officers, I may mention, that there are only two circles, whereas, were the work in full progress, as I hope it will be, there should be 4 Superintending Engineers and not two. We are running on a low establishment in that line. Coming to the Executive and Assistant Engineers, these are the officers in charge of divisions and sub-divisions and these numbers also include the usual leave allowances. I can assure the Honourable Member who put forward this

motion that there is no excess at all in the number of divisions and subdivisions; we are working with an absolute bedrock minimum for efficiency.

Similarly, with the subordinates. The subordinates are entertained as and when they are required with the exception of those who are on the regular cadre. A number are temporary and they are only taken on when they are actually required and their appointments come under reduction when there is no longer full work for them to do.

I now come to the two architects of the Central buildings. These two architects are, I think, I may say without saying too much, the leading architects of the day in the whole world. The one, Sir Edwin Lutyens, is the leading architect in England, and the other, Mr. Baker, is a specialist architect whom we got out from South Africa. The other architects to which the Honourable Member refers, three in number, are the junior architects whom we in the Public Works Department employ in carrying out the designs of works which are not entrusted to these two specialist architects. Their duties are to design bungalows and quarters and all the minor buildings which we purposely do not give to the senior architects in order to save the commission fees which would otherwise have to be given.

The Honourable Member then criticised the appointment of the Electrical and Mechanical Engineer. This officer is a very distinguished officer indeed and he is the Electrical and Mechanical Engineer of the Delhi Province. Nearly every other province has an Electrical and Mechanical Engineer and it has been found to be absolutely necessary to have one here in view of the very large electrical and mechanical problems which have to be considered, the big projects which have to be drawn up and the miscellaneous work in that direction which has to be done. I must emphatically state that it would be quite impossible to devolve these duties on the separate electrical and mechanical engineers who are now in charge of divisions under him. You must have a head man, and in Mr. Pitkeathly we have got an exceptionally good head man.

Then, as regards works assistants, these are expert workmen and works foremen we have got out from South Africa and from England to actually supervise the details of the several classes of work of which they are in charge. If any of the Members of this Honourable Assembly have by any chance visited our stone yard at Raisina (which I may mention for their information is one of the biggest stoneyards or works in the whole world), they may have met the gentleman in charge, Mr. Cairns, and that gentleman looks after all the stone which is produced in that yard, and I may point out that he does it extraordinarily well. The class of work which is done in our yard is, I consider, absolutely unrivalled anywhere in India. While I am on the subject of that stoneyard, it may be of interest to Members to know that that installation is of the very greatest educational value. We get a very large number of stone-masons from the Punjab and Indian States, these men come there and work for 18 months on ordinary daily wage and then leave having learnt their profession, and when they leave that stoneyard they command a very much higher wage than any other stone-mason in the market, so that, from the point of view of technical instruction, it is well worth while keeping up that yard.

I think the Honourable Member criticised the Estate Officer. I dare say, most Members here know what his functions are. He has charge

[ Sir Sydney Crookshank. ]

of all the Government Bungalows, whether they are constructed by Government or hired by Government, and also all the quarters. Incidentally, he has charge of the hostels in which some of the Honourable Members of this Assembly are at present accommodated. The total number of houses in his charge is 179. In addition to that, he has to look after about 274 quarters which are constructed in the European style and some 998 quarters in the orthodox style for the accommodation of Indians. I do not think that any Member of this Assembly will say, that this officer is superfluous in any way. In fact, I may add, that he is extremely hard worked and it is a very thankless and difficult duty which he has to perform in keeping everybody satisfied. Then, I think, the Honourable Member referred to his qualifications. Well, his qualifications are those of an estate officer in England; that is to say, an estate officer to a big property or to a big concern. I do not know, that it requires any specific technical requirements or education, but it requires a great deal of commonsense and *savoir faire* together with general knowledge and tact, and I think, the officer in question carries out his duties very well indeed and to the satisfaction of all concerned.

Coming next to the Health Officer, he is an I. M. S. Officer who is in charge of all the New Capital sanitation and has to see that the conservancy measures are properly carried out, that compounds are kept clean, that roads are properly swept, and so on and so forth. It is a full-time job and I cannot think that it would be possible to do away with the services of this officer without incurring very grave risk indeed of epidemic disease.

The Superintendent under 'Conservancy' would be the man who supervises the conservancy arrangements such as those vessels which pass in the night we sometimes hear and more often smell when they go round their rounds. His duties are very unpleasant and he has a difficult task before him. Obviously we cannot get rid of him.

The next item which was criticised was agriculture and horticulture and the Superintendents in charge of those duties. These gentlemen are both experts in their particular line. As Honourable Members who have motored round the roads must have noticed, there are still miles and miles of roadside trees which have to be planted and in a large number trees have already been put in and they have to be maintained. Then, there is also the maintenance of grounds and gardens, for example, round the Gardwara and the Jantamantā and down the Central Vista. There is also the reforestation of the Ridge which is being carried out, but unfortunately there is very little being done owing to a lack of water and funds; there is also the work connected with the laying out of the grounds of the houses as they are completed. We cannot construct a house and leave it absolutely bare. It has to have its paths with bricked edges, some hedges and beds entailing an ordinary amount of horticultural outlay and upkeep.

As regards the details of the item of Rs. 1,03,000 for travelling allowances, I had better explain this by saying that they are made up of Motor car allowances, Cycle allowances and various other allowances for the subordinate staff. I cannot give the exact figures in each particular case, but owing to the great distance between Raisina and old Delhi, and the inconvenience and expense to which officers are put in travelling between those places, and the places round about Raisina in the execution of their duties, such as going on inspection visits to cantonments and elsewhere, it was

decided, with the concurrence of the Finance Department when the work was commenced, that certain Motor car allowances should be given to officers in lieu of the ordinary travelling allowances to which they would be entitled under the Civil Service Regulations.

I trust, that the explanation which I have given—perhaps somewhat faultily as the motion went into great detail—will satisfy the Honourable the Mover and also the Members of this Honourable House, that the establishment is not—as I pointed out when I gave percentages—by any means excessive, but, on the other hand, is a very low one compared with the size and importance of the work which is being carried out.

I hope in the circumstances, therefore, that the Honourable the Mover will withdraw his motion.

**Rao Bahadur T. Rangachariar:** Sir, I wish to give expression to what I feel on this matter. We all desire that New Delhi should soon come into existence in a completed state, so that the staff may be better housed and the Members of this Assembly be better housed. It is no use reviving the old question as to what the Government have been doing all these years. The movement began somewhere, about 1911, I believe, and in 1913 they started to commence on New Delhi at Raisina. For seven weary years they have made progress there—progress which I venture to think is not satisfactory, and if the Finance Department is unable to give more money to the Department in charge of the works in order to push on with the buildings which are so urgently required, then I say, there is no use in keeping up this costly establishment; and the costly establishment of specialists who have been imported for specific duties. We have nothing to say against those specialists, their work is of value as will be seen from the plans and designs which they have from time to time placed before us, but if the Government will not lay out the money, we cannot afford to keep them here. Therefore, it is incumbent upon the Finance Department to find the money. The money will be well spent.

I hope no questions will hereafter be raised in this Assembly by my Honourable friends that we must have a change of capital. It is too late. We have embarked upon Delhi and we should stick to it. I therefore implore the Finance Department to find more money to push on with the completion of the New Capital. The money will be well spent, because I have noticed from the buildings already in course of completion that the money has mostly been spent in the country. I noticed that the money has been spent upon materials which have been produced in the country. All this goes to keep up a large number of the population, it finds them work and thus they find comfort. From the plans which have been put before us, I hope to see—at least in my term of office in this Assembly which I believe is three years—the completion of the New Council Chamber at Raisina, and I hope to assist in transacting the business of the country there. But at the rate at which we are progressing, I am afraid, that my hope will not be realised unless the Finance Member is able to give an assurance to this House that he will be able to find the money somehow. If he cannot give us that assurance, I shall be inclined to vote for this motion which will affect the establishment in a manner not altogether desirable. If pressure can be brought upon the Government by threatening to disband the establishment which they have imported, I for one would be sorry. But I only suggest this, because I feel very strongly that the rate of progress which is being made, is something of which we cannot be

[Rao Bahadur T. Rangachariar.]

proud and I am afraid that we must hang down our heads when we are approached in the matter. But it is no use finding more funds than the Department can spend economically. I do not think these 80 lakhs or so which have been provided for works expenditure are adequate for the purpose. You could spend much more ; and if you do spend more year by year it will be a very useful expenditure indeed.

I should also like to say that unless trees grow in abundance in New Delhi, it will not be a habitable place, and I am sorry, my Honourable friend, Mr. Piyari Lal Misra, has objected to them. We are trying to make New Delhi habitable by growing those avenues which we find all along.

And I think it will be easy in three or four years more to grow these trees in abundance and if this water supply is more abundantly secured, 1 P.M. it will be possible for them to grow these trees as fast as you would like. I should like to see those lawns also—beautiful lawns—in another two or three years, so that, if a dust storm comes, we will not be drowned in dust but will be safe. And, therefore, when I say I am in sympathy with the motion for the reduction of the establishment, it is because I feel that more money should be spent on the works that I am in sympathy with this portion. But, on the whole, now that we have brought this defect to the notice of the Government, I hope they will put on more speed in building these new works.

**Mr. R. A. Spence :** Sir, I very cordially support what my Honourable friend, Mr. Rangachariar, has said. I think it is the feeling of this House that the quicker we get on with New Delhi the better, and the cheaper it will be to the nation if we can complete the New Capital of Delhi quickly. I do not pretend to be a financier but I was told by one gentleman, who, I believe, knows something about it, that if the Finance Member were able next year,—I quite know his hands are full this year—to raise a loan, that a loan sufficient to complete Delhi in a very short time could be raised, and at an interest of, I think the figure was 6·435 per cent. free of income-tax an annual charge on the revenues of India of 40 lakhs would wipe out that debt and the interest in forty years. Now, is 40 lakhs a large sum to have to spend every year on this New Capital? The capital is worthy of India. It has been designed on most magnificent lines. The architect is a man of great imagination, I think, and great breadth of view and we have all got to be extremely glad that he has designed the capital on these large lines, and, if we could only go ahead with it and get this Delhi Capital built quickly, we should save a large amount of money, we should save these various expenses which the Honourable Member who moved this reduction has mentioned. And, I do hope, that some means will be taken in this House to let the Finance Member know that it is the wish of this House that the work on New Delhi should be proceeded with very quickly and that, if necessary, a loan should be raised for the purpose.

**Mr. B. H. R. Jatkar :** Sir, the motion which stands in my name covers the same ground, only I suggest a reduction of 3 lakhs instead of 1·25 lakhs. It is rather surprising to find in the statement on page 361 that the usual procedure of giving the comparative figures of the previous year and this year, and also of the staff of officers already engaged and which is to be engaged for next year is not followed. This information is not given in this Table. So far as my information goes, the whole of this staff of Officers is

not yet in employ and some of them are to be engaged for next year. I would say that about 6 executive engineers, one assistant executive engineer, 7 assistant engineers, 2 store-keepers and so on, are yet to be engaged. I would like to know something about this, and should be obliged if the Honourable Member will give us the necessary information. I would put this matter again on a question of principle, Sir. If we refer to page 67 of this explanatory note that has been given to us, it will be found that in the year 1920-21 Rs. 111 lakhs were spent on works expenditure and the amount spent on salaries and supervision was 10 lakhs. For the coming year, it is said there, that 88.69 lakhs of rupees will be spent on works expenditure, and 11.31 will be spent on supervision. Even out of this, the actual amount for construction of the buildings is only 30 lakhs. It is said there, that Rs. 30 lakhs will be applied mainly to works on Government House, the Secretariat, and other buildings. So it comes to this, that for an expenditure of about 11 lakhs on supervision, you will get an output of works and construction of Rs. 30 lakhs. I think there should be some reasonable proportion in the output of the work and the amount spent on supervision. This appears to me to be rather extravagant—to appoint so many officers when the actual work to be constructed is worth only Rs. 30 lakhs,—or even taking it as stated there, Rs. 58 lakhs. As pointed by my friend, Mr. Rungt-hariar, it would have been better if the works were expedited, but until we can obtain more money for more constructive works, I think, we should not engage officers and spend money on supervision. I also join with my friend, Mr. Piyari Lal Misra, in his motion for the reduction of the grant for travelling allowances for this staff.

I move, therefore, that out of this sum of Rs. 11 lakhs, a reduction of three lakhs should be made. This could be done by not increasing the staff or appointing the new officers, or, if these have already been engaged, by dispensing with their services, so that we could engage them after we have found more money for constructive works.

**Mr. N. M. Joshi:** Sir, there is no one who does not want good roads, good water supply, electric lights and lawns and such other conveniences. But, Sir, in ordinary cities, and towns, and in this ordinary world these services are paid for by those who enjoy them. But this New Delhi seems to belong to some other world. Here, it is the Government that pays for everything, pays for roads, pays for trees, pays for lawns, pays for water supply, electricity and what not. Sir, in this Budget there are two items to which I should like to refer specially. One is Rs. 14 lakhs for irrigation and the other is Rs. 14 lakhs for electric lights. I do not know what sort of cultivation we are going to have in this New Delhi—whether sugarcane or something else. Perhaps it may be that this irrigation is intended to supply water to the gardens of the good people that are going to stay in this New Delhi. Then, as regards the electric lights, we have already got an electric plant. We already see electric lights in almost all the roads of New Delhi. I do not know why a sum of Rs. 14 lakhs is necessary in addition to all that has been spent for electric light for this small tract of country.

I would like to make one suggestion, Sir, *viz.*, that this New Delhi should enter now the sphere of the ordinary world, that a Municipality should be formed for the benefit of the residents of New Delhi, and that this Municipality should be administered by the residents of the City so that the charges for services which are required by the residents will be paid by the residents as the residents of other cities pay.



[ Mr. N. M. Joshi. ]

I should like also to make one remark about the establishment. In spite of the explanation that was offered, my feeling is, that the establishment is too large. I cannot imagine what work some of these officers are doing.

**Mr. S. C. Shahani :** Sir, I want to say just a word with regard to this Demand. I am at one with my Honourable friend, Mr. Rangachariar, when he says, that we should go ahead with the construction work and complete it as early as possible. I am not one of those who would look askance at what has been done here and who wants to pretend, that without the convenience of the trees and lawns that are referred to here, life would not be worth living. It is true, that a lawn is required for other purposes. But if we have gone in for laying out New Delhi, it is only in the fitness of things that we should see that our schemes are properly worked out and enforced. I have, however, to say just one word with regard to the trees that are grown here. I am told that two expert Superintendents are in charge of our arboriculture and horticulture, and yet I do not find the trees attaining to any great height. I suppose they have been in existence in some cases for about 8 to 10 years, and yet I find that their growth is very stunted. Perhaps there is something the matter with the soil—the sub-soil is very hard and clayey; perhaps they are not being watered properly; or perhaps they are not being manured or otherwise properly treated. Evidently the expert knowledge of these two Superintendents has not been reflected in the height of these trees.

**Bhai Man Singh :** Sir, reference has been made first of all to the comforts that we require in New Delhi. I am quite at one with my Honourable friend, Mr. Joshi, when he says, everybody on this earth wants comfort. But I would at the same time agree with my Honourable friend, Mr. Joshi, that those who want comforts should have those comforts at their own cost, and a very plausible method has been proposed by Mr. Joshi. I do say, that I am not of course quite insensible to the effects of beauty and devoid of aesthetic sense. I love beauty and I admire natural beauty. But, at the same time, I would say, that we have no right to feed our aesthetic sentiments at the expense of the poor tax-payers of India. And I cannot find any justification whatsoever why we should think that we should be better housed—or to quote the actual words that this Assembly should be better housed—as soon as possible—when we really know that the country is actually starving and suffering not only in the sun, but I would say, that many of them are quite unhoused; and they are not even fed. While representing a country like that, I for one am not prepared to advocate that we should at all try to have comforts very soon or even in the near future or at all if need be. I would like to suffer without all these comforts but would not like to add a single pie, or would like to add the least possible burden on the poor tax-payer of India.

Well, then, there are lawns. Lawns have got their own beauty and it is said, they save us from dust as well. I am not prepared to say, that I cannot do without a lawn or that I cannot do without beautiful trees for one or two or three years more in Delhi. The point in question is not whether the climate of Delhi would require a lawn or would require trees. But the question is, that while we are undergoing a financial crisis, where is the need for having all these so soon and why should we supply money for these demands this very year. The real point before us is, we have spent so much already in the building. Of course, if you do not push them on, we are bound to suffer financially. That is the question when we look at it from a business point

of view. My Honourable friend, Mr. Rangachariar, for whom I have got really very great regard, has suggested that if the Finance Member could provide more funds, he would be willing to vote for the establishment expenses as they are demanded.

**Rao Bahadur T. Rangachariar:** I did not say that. 'What I said was, that more money should be provided for pushing on with the works.

**Bhai Man Singh:** That is what I say also, that if more money could be provided for the new buildings, then you would vote for them. That is all. I do not think I have said anything wrong.

Well, Sir, we actually see that just at present we have not got enough money to spend more on the New Capital. Then there is absolutely no reason why we should not reduce our present establishment so that they might not be a heavy burden on our finances. There are two alternatives before us. One is, that we should supply more money towards the building of the New Capital and the other is, that if we cannot do that, we should reduce the establishment so that officers whom we have engaged may not have to loiter about and may have sufficient work. I would go further and say, that luxuries like Arboriculture and Horticulture may be very easily postponed for a year or two. I am not against having beautiful lawns but I am against having beautiful lawns at the cost of the poor tax-payer and in these critical circumstances when we are driven to the verge of bankruptcy.

The other question which I would like to put before the House is, that we would like to know how many Indians are employed on these works. There is no reason why a very good share of the appointments should not come to Indians when we have got so many qualified Executive Engineers who have been trained in England on an exactly equal footing to that of many of the European Engineers.

I shall refer to one more point. So far as I understood my Honourable friend who spoke on behalf of Government—if I understood him correctly—he said that the junior architects are employed in order to design the bungalows and the houses so that Government may not have to pay extra commission for having them designed, perhaps by the superior architects. This leads me to believe, that the superior architects are not only given their salaries but perhaps they are paid an allowance as well for designing. I speak subject to correction. I may have misunderstood my Honourable friend. But that is how I understood him. If this is so, I find no justification for that.

I would draw the attention of the House to one fact more. We find that the New Delhi is being built on a very large scale and in an elegant style, such as poor India cannot afford to have. It is all very well to satisfy our sentiments and say that we have got the very best experts, we have got the best things of this sort and that sort. But are we rich enough to have those first-class things, which would be incomparable with any similar things on the face of earth?

Suppose I am a poor man, and my son comes and tells me :

'Dear Papa, I want to have a coat which is incomparable with any of the coats used by my class-fellows or school-fellows.'

I would say :

'My dear boy, I love your sentiments. I do not want to discourage you. But I am too poor to pay for that.'

[Bhai Man Singh.]

I may have a motor car, perhaps as costly as the one that my friend, Mr. Sheshagiri Ayyar or Sir Sivaswamy Aiyer has got, or even a superior one like the one which the Maharajah of Nabha has just purchased and which everybody went to see. People may say that Bhai Man Singh has got a motor car the like of which no other Member has got. But Bhai Man Singh will become bankrupt if he wants to buy a motor car at a cost of Rs. 50,000. You will excuse me for my frankness. We do wish that we should have the best things on the face of the earth. But is India a very rich country that she should have the most beautiful and most elegant things? If not, I would suggest now, or at some other time in this House, that we should examine how far we can, even though we have advanced to a great extent, curtail further designs. Of course, I know, that foundations have been laid, and that the structure has advanced to such an extent that it is not easy to say that we should change all the designs in order to reduce the expense. But it is quite possible that many fruitful results may be achieved if some of us put our heads together with those of the Engineering heads and just try to curtail further the expenses which will be incurred on the New Delhi buildings. I am sure, that the Honourable Members of this House will see the reasonableness of my object, and with these remarks I heartily support the motion put forward by my friend, Mr. Piyari Lal.

**Sir Jamsetjee Jeejeebhoy:** When His Imperial Majesty King George and His August Consort came to India in 1911, they opened a Durbar and made a declaration that Delhi was to be thenceforth the capital of India. There were some murmurings at the time about the suitability of Delhi as the capital of India, but we have all now honoured Their Majesties' Commands and we have become reconciled to the fact that Delhi has got to be the capital of India. With that view, Sir, a programme suitable to the dignity of the Indian Empire was prepared by the Government of India with the idea of making Delhi an Imperial City. Well, Sir, owing to the war that programme has had to be curtailed to a very large extent with the result that unfortunately we find ourselves somewhat in difficulties at the present time.

But, Sir, in spite of the difficulties, I do not think we would be justified in tinkering with the lay out of the capital as intended by our advisers whom we have brought out from England and other parts of the Empire at such great cost and expense. I would, therefore, agree with my Honourable friend, Mr. Rangaiahariar, and suggest to Government the advisability of their making up their minds as to the amount of money they want to spend on the capital and making a grant outright. This sort of tinkering, I submit, is not economical. It is inadvisable from more than one point of view. We have our standing charges which have to be met, and the longer we spread over our expenses, the more will those standing charges ultimately grow.

My Honourable friend, Mr. Joshi, complained about the lighting of Delhi that it should not be undertaken at the expense of the general tax payer. When you come to think, that it is not the capital of one province but that it is the capital of the whole of India, I think that argument falls to the ground. Besides, Sir, if you will permit a little digression on my part, the lighting at present of the New Delhi is not what it ought to be. I have heard that motor cars have gone off the road into the ditches at the sides of the road. I believe the Police arrangements in Raisina ought to be better looked after. I see policemen at every corner of the streets in old Delhi, but for miles and miles I do not see any policeman in New Delhi.

Another grave complaint I have got to make, if you will permit me, Sir, is, that there is no doctor available in its vicinity. The other day, our Honourable Colleague, Mr. Darcy Lindsay, was suddenly taken ill and I heard that it was two hours before a doctor could be summoned. These are the difficulties under which we labour, and at a time like this, when we think of making Delhi our permanent capital with the idea of ultimately giving up the annual sojourn to Simla, I think no expense should be spared to make Delhi what it is, the Imperial Capital of the greatest Dependency of the British Empire.

**Chaudhuri Shahab-ud-Din:** Sir, when the capital of India was transferred from Calcutta to Delhi this Assembly was not in existence, and perhaps the item to be spent upon the construction of the new capital was not a votable one. The fact we have to face is, that the capital has been transferred, and that now it is our duty to make Delhi what it ought to be. Without money, of course, Delhi cannot become an Imperial or sovereign city as it should. Some gentlemen have suggested that there should be no electricity, that there should be no lawns, and that those who want these luxuries must pay for them. It must have occurred to every one in this Assembly, that if we are required to pay for the electric fans we have got in this room, surely we shall find it rather irksome to pay. A hostel is being constructed for accommodating the Members of this Assembly at Raisina. Are any of the Members prepared to pay for that building? Do the Members expect that the Governor General of India should call upon the British Exchequer to provide money for the construction of his residential house here? It is indeed very easy to argue, that the taxpayer should not suffer. But who should suffer? Are the Members of the Executive Council—Dr. Sapru, Mr. Sarma, Mr. Shafi and others,—expected to build their own houses for their residence here? Delhi is the capital of India and it is India which has to bear the charge of its construction. The construction has been started. We cannot leave it half-way. It has got to be completed, and we should, like true Indians, contribute liberally towards the completion of New Delhi, and see that Delhi becomes a sovereign city in fitness with the position of India in the whole world. It is no use appealing to the feelings of Members and pleading the poverty of India. Well, India may be poor or rich. She has to live, and live on the face of the earth as one of its biggest countries. India is poor to us. Ask Great Britain. Is not India one of the richest countries in the world? Ask other nations. Is not India a rich country? Even assuming for the sake of argument that India is very poor, as she is depicted to be, is it difficult for her to afford a few crores for making Delhi a sovereign city? We should not try to deceive ourselves. We must face the facts boldly. A large amount—several crores—has already been spent and we cannot now leave the Imperial city unfinished. We have to finish it. Therefore, I agree with my Honourable friend, Mr. Rangachariar, that the Finance Member may be requested to find funds so that the larger working expenses might be possible decrease still further. At any rate we should not grudge voting for the demand which we are asked to grant.

**Mr. Eardley Norton:** I confess, Sir, I was extremely surprised to hear my Honourable and, I believe, learned friend, Mr. Man Singh, pose as the apostle of asceticism. It astonished me to hear him say, that he wished to do without all the amenities of civilised life, such as electric lights, fans, lawns, water or those other things which make existence tolerable if not satisfactory.

[ Mr. Eardley Norton. ]

He tells us that he prefers to submit to the accustomed dust and dirt of the places he frequents rather than to the proposed conveniences in Delhi. He says he wishes to suffer. By all means, let him suffer—but suffer alone. I strongly protest against the suggestion that we, who are not ascetics, should be called upon to participate in those sufferings. Most of all am I astonished at this new pose of my Honourable friend because on the division on the exodus of this Assembly to Simla, when I voted for remaining in Delhi and enduring all the privations and unpleasantness of the climate of that city, my Honourable friend voted for the heights, the solitude, the luxuries and the delights of Simla. Though I do not wish to fill up the Honourable Member's cup, I will express the hope that the next time he takes up this position and attacks us as claiming more than our fair share of the amelioration of civilised life, he will choose some other Assembly than this in which to air his views.

I really rose, however, to get some information on this question ; as to what are roughly the terms of the contracts under which the two special architects, for whose work I have nothing but the greatest admiration, are at the present moment working under Government. Are they working for a definite period, or for a period coterminous with the completion of the building ? I should like to know how this sum of Rs. 1,45,000 is divisible between these two officers. I wish to know whether this sum includes their passages backwards and forwards to and from England, whether their passages are included in their salaries, or whether their passages are to be included in the lump sum of Rs. 1,03,000 which, I see, is put down as the sum for travelling allowances. In putting this question, I desire it to be thoroughly understood, that I am not in any way questioning the righteousness of their appointments or of the propriety of the salaries which these gentlemen are drawing. I quite agree with all that has been said in appreciation of Sir Edwin Lutyens. I should be sorry if Mr. Baker did not also receive some public recognition of the admirable work he has been and is still performing.

**Lala Girdharilal Agarwala :** The question before the House may be divided into two parts, temporary measures, such as lawns and so forth, and permanent buildings. Now I submit respectfully, that so far as the temporary measures are concerned, we can cut off the expense and strike out that portion for the present till New Delhi has been built up. So far as the permanent buildings are concerned, I would say that it is necessary either that the work should be postponed till we can get sufficient funds to continue the work and finish it within a year or so or allot more money at present and start the work vigorously. But so far as the works of contractors is concerned, I am sorry to say from my long experience of over 21 years at the Bar, that I have found that at least some engineers, I am sorry to say, are not quite satisfied with their pay. I have seen the accounts of contractors in which I have found regularly ' 5 per cent, 5 per cent, and 2½ per cent. ' which shows that these contractors when there are a lot of officers have to spend much more than what they would have otherwise to spend if they had only to deal with a few officers. Now even in Delhi I have been offered the services of contractors for a building which I intended to construct at a much lower rate than that at which they do work for the Government and this is certainly a very deplorable circumstance. But all I can say is, that it is not necessary to have a topheavy administration of ' the Public Works Department ' or as some people call it ' the public waste

department'. Now I find one instance on page 202 of this big book. There is an item of 'Establishment salaries' and then there is the architect's fee for preparation of the design for the Forest Research Institute, Dehra Dun, Rs. 21,000. Then just above that, we find the cost of that building put at Rs. 4,49,000. Now from calculation it comes to 21 per cent. so that if we have to pay such heavy sums as 21 per cent. merely for designing I fail to understand how it is proposed to make the poor tax payer to pay all this heavy expense. Now in fact the charges for designing and planning should be to some extent proportionate to the actual work done. For these reasons I think that the proposed expenses are too heavy and should be cut down materially.

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock. The Honourable the President was in the Chair.

**Colonel Sir Sydney Crookshank :** Sir, I propose to confine my remarks at present to the specific points which were raised by the Honourable Members who have joined in this debate so far. I will commence with a reference to the complaint as to the establishment charges which was raised by my Honourable friend, Mr. Jankar, and I would explain to him that the increase to which he drew attention is owing to the introduction of the Provincial Services and also to certain increases in pay of officers and subordinates which have recently been sanctioned and are now coming into effect.

As regards the general complaint as to the amount of the establishment charges for the Public Works Department of the Delhi Province, I would point out that these are, as far as possible, really *pro rata* with the amount of the grant which is provided after it has been cut down by the Finance Department. It is impossible to make exact reductions because certain officers, especially officers of the specialist class, must be kept on and, if their salaries came under reduction, it would mean that we should lose their services altogether as we should not be able to get them back again. I may mention incidentally that it is extremely difficult to get officers of the very high class attainments which we require for work of the nature which we are undertaking here in connection with the construction of the Imperial Capital of India, because the Provincial Governments are themselves all very short indeed of officers, and are distinctly loath to part with them, and more so to part with their best men. If, therefore, we have to reduce the establishment to a very low minimum, it means that we lose men whom we shall not be able to replace.

The Honourable Mr. Joshi inquired about the irrigation and electric light and power items. I would explain to him that the charge against irrigation is towards the provision of a pumping station for irrigation purposes as opposed to drinking water supply, and this is necessary because we are introducing the water-borne system of sewerage as far as we can, and our present temporary pumping station and arrangements are wholly inadequate to perform the task which is thrown upon them. Consequently, we are unable to extend the installation of water-borne sewerage throughout the New Capital. This is a very necessary expense because lack of suitable flushing

[ Colonel Sir Sydney Crookshank. ]

of drains and of sewers leads to unhealthy conditions and a general state of dissatisfaction.

This unfiltered water supply is also required for the maintenance of the roadside trees which the Honourable Members have themselves seen. Any complaint as to their lack of growth is greatly due to the fact that we have been unable to give them sufficient water.

The electric lighting power item is one in connection with the permanent installation of electric power and light in the new Capital. At present we are running on temporary arrangements which are insufficient to give any more house or road lighting, and also insufficient for us to proceed satisfactorily with the construction works and drive the many electric power plants which are required in connection with the work. As the case now stands, we are using poles, ordinary ballies in order to take our high tension wires, and this is not only very dangerous in itself but is also highly unsatisfactory. We propose, under this item, to replace those ballies by armoured poles and to lay the permanent lines together with the sub-stations for the distribution of light and power throughout the area.

Then, Sir, my friend Mr. Shahani inquired why trees had not made better progress. I have just now stated that the chief reason for this is that we have not got sufficient water to give them the supply required to promote more rapid growth. But, at the same time, I would point out to the Honourable Member that these avenues are only of 5 or 6 years growth at the outside, and they cannot be expected to be much stronger and bigger than they are now. The system we have adopted there is to plant temporary trees, that is to say, quick growing trees alternately with the slower growing trees which will eventually be the avenues of the main roads of the Capital.

My friend Mr. Bhai Man Singh inquired if the two architects were given salaries,—at least I gathered that was what he wanted to know. I may state, for his information, that they do not get salaries in the same terms as the three architects who are employed by the Public Works Department, but they do get subsistence allowances while they are out in India. He also inquired as to the proportion of Europeans to Indians. I have not been able to go into this in full detail, but I gather that there is not really very much difference between the members. On the Engineering side we have 18 Indian and some 22 Europeans . . . .

**Bhai Man Singh:** I mean in the higher posts.

**Colonel Sir Sydney Crookshank:** That is to say, these are officers—executive engineers and assistant engineers. There are at present only two Superintending Engineers and one Chief Engineer, and these three officers are Europeans. Four Assistant Engineers and 14 temporary Engineers are Indians. Rai Bahadur Bisben Singh is in Divisional charge. In the Public Works Department we aim at a proportion of 50 per cent. of Indians, and we shall endeavour to maintain that average here, but of course it may vary from time to time. Incidentally I may point out to him and to this House that any reduction of this establishment grant will fall very heavily on the Indians themselves, as they are for the most part under the vote of the House, the appointment in italics being non-votable.

My Honourable friend, Sir Jamsetjee Jeejeebhoy, complained that there were insufficient police, the lighting was insufficient and the arrangements for

medical attendance defective. These are matters which I can assure him will be referred to the Chief Commissioner of this Province.

Then my learned friend Mr. Eardley Norton inquired into the forms of contract which were in force with the two head architects, that is to say, Sir Edwyn Lutyens and Mr. Baker. These two gentlemen are under covenant with the Secretary of State on terms which were below pre-war rates at the time, and are now very much below those sanctioned and accepted by the Royal Institution of British Architects. The terms as such are very favourable to Government, but I may mention here that the architects are really suffering a great hardship under this covenant, as they are bound down to their original contract, whereas the rates in England have all gone up. This is however a matter which has been referred to His Majesty's Secretary of State. Additional to percentage commission, the architects get special fees while they are out in India, in the shape of a subsistence allowance to keep them going out here, and they also get their passages to India and back every year. Those are the terms . . . .

**Rai G. C. Nag Bahadur :** Can you mention the amount of the allowance received by these architects while they are in India?

**Colonel Sir Sydney Crookshank :** So far as I can say and I am speaking from memory, it is ten guineas a day. They do not get any salary at all. What they make is entirely on the fees according to whether they are levied on engineering or non-engineering services, the latter being paid at a lower rate to the former. The travelling allowance to which I have referred, that is to say, the cost of their journey in and out from England once a year, is not a charge against that item of Rs. 1,45,000, at page 361, but is a charge against the general item ' Travelling Allowance ' Rs. 1,03,000.

Now, my friend, Mr. Agarwala, made a reference to the Forest Research Institute, for which we are asking and for which this House has given us Rs. 4,49,000 in this Budget, and he points out that the incidence of Rs. 21,000 given at page 202 appears to be altogether disproportionate.

I would mention, however, for his information that the whole cost of the Forest Institute at Dehra Dun is not, as I presume he thinks,

3 p.m. Rs. 4,49,000, but will probably be somewhere in the neighbourhood of Rs. 60 lakhs. It is a very big scheme indeed, and we are only on the fringe of it so far; so that the architect's fee of Rs. 21,000 does not bear any relation to the item Rs. 4,49,000.

Sir, if I have the permission of the Chair and the indulgence of this House, perhaps it will assist Honourable Members to frame their opinions on this very big subject if I give them a rough review of the position generally. I may state that I enter on this very important subject with a considerable degree of trepidation. In fact I feel in the somewhat unpleasant predicament of a dog which, while one small boy is offering him a dainty morsel of meat, another small boy is tying an empty can to its tail; that is to say, that whilst, on the one hand, my kindly and humorous friend, Mr. Majumdar, recommended to this House that the grant for the ensuing year for the new Delhi Capital should be raised by Rs. 10,00,000, which motion was of course disallowed, and while several other members of this House are, I think, of the opinion that the best way of dealing with the problem we have before us here is to spend more money year by year and get on and get in, on the other hand, a number of members have raised motions for reduction. I would point



[ Colonel Sir Sydney Crookshank. ]

out to those members, that a reduction of the present grant which we are asking for really falls on the numerous poor workers who are employed in the construction of the various buildings and roads in the Capital. We have very heavy commitments for engines, pipes, bricks, stones, timber, etc., which we are bound to fulfil. So that the wage bill --and we are employing somewhere in the region of 15,000 workmen per diem on these works--will have to bear the first charge of any reduction on any grant which is decided upon by this Honourable Assembly. That is to say, if for example Mr. Kamat's reduction of Rs. 25 lakhs be decided upon by the Assembly, nearly the whole of that amount, or at any rate fully Rs. 20 lakhs of it, will fall on these unfortunate workers. These are men from the Delhi province, Sikh carpenters and other workmen from the Punjab, masons and other labourers and mistries from the United Provinces: and these are the men who will mainly suffer by a reduction, because we will have to close down the work on the central buildings on which we are employing a very large number of men.

The position as regards the actual expenditure on the new Capital is as follows:—I will not give you the details year by year from 1911 to 1921; but the amount, including the expenditure likely to be incurred this year, to Rs. 4,80,45,732. Now this is against a sanctioned estimate of Rs. 9,17,04,300. But owing to the fact that the work has been protracted, that rates and prices have increased abnormally as a result of the war, that many other new items have been introduced, such, for example, as the hostels in which Honourable Members are accommodated, the revised estimate which we have now in course of preparation amounts to Rs. 12,91,80,000; so that, supposing we take the expenditure up to date at Rs. 5 crores, we have still to incur an expenditure of Rs. 8 crores in order to complete our capital. Now, at the rate of rupees one crore a year, that is, at the rate we are asking the Assembly to give us this year on account of the financial stringency, we cannot obviously finish the work under about 8 years; but if, as I hope and as I understand the sense of the House rather indicates, we speed up construction, it is to be expected that we should complete the work in, say, five years' time.

In this item of Rs. 13 crores which goes to make up the total expected expenditure on the whole of the Capital in order to make it fit for the Government of India to go into possession, we have specifically entered an item of Rs. 73½ lakhs for the construction of the new Legislative Councils Block. This block comprises the Legislative Assembly, the Council of State and a small section for the Chamber of Princes. This section for the Chamber of Princes comes to about Rs. 5 lakhs out of the total of Rs. 73½ lakhs. In the centre of this Circular group of Chambers, as I dare say some of you will have noticed from the designs which have been exhibited, there is a large domed lobby which will provide the library which, I think, my learned friend Mr. Eardley Norton expressed so keen a desire for. This central lobby will also be available as a common meeting ground for prince, senator and commoner, and also for joint meetings of the Houses, the reception of addresses from the Throne and for such like general purposes of an important nature. We have only included an item of Rs. 30,000 in our next year's grant for this particular block, the chief reason being that the financial stringency to which I have referred before does not permit of our entering upon this very large work in a more business-like manner.

The present position of the work, I may say, is that in general the foundations of this great city, the foundation of which was laid by His Majesty King George and subsequently cemented in this Chamber by His Royal Highness the Duke of Connaught, who also recently laid the foundation-stone of the Legislative Chambers of the future in the New Capital, have been laid out and the superstructure is in hand. The position is roughly that the Government House work is nearly one-third finished; the Secretariat blocks somewhere about two-fifths, and the residential buildings about three-fifths finished. We have still some 52 officers' bungalows, 73 European style quarters and 16 orthodox quarters to construct before we shall have finished the present programme of construction of residential buildings, which in itself is only about four-fifths of the total required. So we have still a very large building programme ahead of us before we can accommodate the whole of the Government of India satisfactorily and comfortably at Raisina.

As regards the roads, as Honourable Members will have seen for themselves, we have constructed practically all the main roads and now have to carry on the construction of service roads and maintain those roads which have been constructed. Where we are behindhand is in engineering services, and that is where we ought to make a special effort to push on in order that we shall have our electric light and power, sewerage and drainage and water supplies on a thoroughly satisfactory basis.

I hope what I have explained, and I have stated it very briefly, will give this Honourable assemblage some idea of the position. It amounts to this, that, if we shut down the works on this Imperial Capital now, we will add yet ruin to the many ruins of this ancient city of Delhi. If, on the other hand, we only carry on with a low annual expenditure—and one crore of rupees is, I would inform this House, distinctly low for a work of this magnitude—it will be a counsel of despair. Every member will realise that there is something approaching an economic speed in most things, that is to say, for steamers, locomotives, motor-cars, works or anything else. The economic speed of the construction of the New Capital is not at the rate of expenditure of Rs. 100 lakhs per annum, still less is it at the rate of Rs. 75 lakhs per annum. The economic speed should be more like 150 lakhs and better still 200 lakhs per annum. Lastly, one must realise, and I do not think I need point this out to this Honourable assemblage, that, raised from the glories of the departed cities of the great Moghul Emperors of the past, and based on this Imperial enclave as the place of birth of the free democratic institutions which the reformed Government has now introduced, we have to look forward to the day when, as I hope, and I am sure, this House will see it in the same light, we have for our imperial capital an Empire city which is worthy of this great land of India. We shall have, I hope, Legislative Chambers, Secretariat and other buildings which are equal to and worthy of the dignity which this Assembly and the other Chamber demand. In fact, we shall, I hope, raise an Imperial city which will be the equal of any of those of the other countries of the world, which will be the admiration of all, and which will truly represent the position of the Indian Empire as the head partner of the greatest Empire which the world has ever seen, the British Empire on which the sun never sets.

**Mr. M. K. Reddiyar :** May I ask the Government, Sir, to say if the work of construction of New Delhi is done departmentally by Government or is done by any private firm of Engineers?

**Colonel Sir Sydney Crookshank :** As far as possible the work is carried out by contract, but of late owing to the very great increase of rates and wages and in the cost of materials, we have had very great difficulty in getting any contractors to take up our contracts. Consequently a good deal of our work has had to be done by daily labour, and I may mention that the construction of the hostels in which the Honourable Members are now accommodated is being done by daily labour, and could not possibly have been done under contract within the time and cost.

**Mr. Sambanda Mudaliar :** May I know if the provision appearing on page 362 under head "Sanitation," *viz.*, Rs. 6,31,000, is a recurring grant or is it only for this year?

**Colonel Sir Sydney Crookshank :** That item refers to drinking water supply and not to the Irrigation water supply which I explained previously. It is not the total amount of the cost of the water supply. It is a portion of the whole amount which we hope to spend next year in laying a permanent water supply for the city.

**Mr. Harchandrai Vishindas :** May I inquire how much has been spent on the hostel in which we are accommodated, and what will be the total cost up to the end?

**Colonel Sir Sydney Crookshank :** I regret to say that I cannot give the Honourable Member exact information on the amount spent on the hostel, but the total expenditure on the two hostels will be about Rs. 13 lakhs, which sum may eventually come to about Rs. 13½ lakhs, including fittings, furniture, etc.

**Lieut.-Colonel H. A. J. Gidney :** Sir, I shall not weary this House by entering into the merits or demerits of Delhi as the capital city of India. This we must relegate to the archives of the past. I stand to-day not only as one who does not support this retrenchment, but as one who desires to emphasise the necessity, as has been suggested by the previous speakers, of expediting the work of New Delhi. I heartily endorse every word that has been uttered by Mr. Eardley Norton, Mr. Spence, Sir Jamsetjee Jeejeebhoy and others. This piece-meal construction of New Delhi seems to me a method which has nothing to commend itself, but has much to condemn it. If we go on at this rate annually spending only a few lakhs, or as Sir Sydney Crookshank has just told us that he has allotted only Rs. 30,000 for the new Legislative Assembly buildings, we shall not only be deprived of the pleasure of sitting in the Assembly, but we shall, as the years roll on, have to allot funds to preserve our ruins as well as to erect our new buildings. In other words, ours is and will be a 'ruinous' policy, and I am sure that by the time the New Delhi is completed and is fit to be called the capital city of India, many of us will be fertilising the trees that have been recently planted there and whose slow growth has been questioned to-day in this House. For these reasons, Sir, and especially after my appetite and desire have been whetted by the beautiful pictures seen to-day in the adjoining room, I for one would support the previous speakers in saying that we should push on with the erection of our New Capital. The pity is that it has been so long delayed. The greater pity is that a loan was not raised at a time when money was obtainable at a much lower rate of interest. But, even with the money market as it is to-day, I submit that a loan should be raised exclusively for the completion of new Delhi. This House, I feel sure, would be interested to know from the

Honourable Sir Sydney Crookshank which, in the long run, would be more expensive :—The speedy construction of our new Capital as suggested by us, or the present piece-meal method extending, as it will, over many many years, during which period an expensive staff will have to be entertained, not omitting to mention the inconveniences and hardships, at present, felt by them as also the annoyance and discomfort we members have to endure motoring for miles over dusty roads. I feel sure the former would be the cheaper, and with our New Capital finished the pleasures of long dusty motor drives would be then experienced by the Honourable Government Members.

As far as Mr. Joshi's contention is concerned, *i.e.*, 'expense on the lighting,' I think Mr. Joshi himself was very considerably inconvenienced the other night when he found we had no light to continue our meeting at Raisina. Sir Sydney Crookshank has just said, it would be better to annually spend about Rs. 2 crores. This, Sir, I submit, would take another 5 years, at the end of which period not one of the present members of the Assembly here would have had the pleasure of sitting in our new Assembly rooms. But in the expediting of the construction of New Delhi I wish to add one note of warning, *viz.*, that efficiency of work should not be sacrificed.

In dissociating myself from this demand for a retrenchment, I support very heartily the previous speakers that we should expedite the work, and if the House is in favour of it, that we should raise a distinct and separate loan specially to build the New Capital. This, I submit, Sir, is due to the Assembly from Government.

**Mr. Jamnadas Dwarkadas :** I move, Sir, that the question be now put.

**The Honourable the President :** The question is that the question be now put.

The motion was adopted.

**The Honourable the President :** The question is :

'That the demand under head 'New Capital at Delhi' be reduced by Rs. 1,25,000.'

The motion was negatived.

**Mr. Sa. faraz Hussain Khan :** Sir, the motion . . . .

*Certain Members :* Withdraw. Withdraw. Withdraw.

**Mr. Sarfaraz Hussain Khan :** If the House does not accept my motion ; that is a different thing altogether.

The motion that I have to move runs thus :

'That the provision for New Works for Delhi Capital outlay be reduced by Rs. 5,05,600.'

I have worked the total in the following manner :

Rs.
24,000 Minor Works.
36,000 Parks and Gardens.
50,000 Minor Works.
2,00,000 Preparation for sites.
1,95,600 Minor Works.
5,05,600

[ Mr. Sarfaraz Hussain Khan. ]

If the Honourable Members will kindly look at page 362, they will find that I have not touched the items which are in respect of works in progress.

Even regarding the items under the head 'New Works,' such as the 'Government House,' 'electric light and power,' 'irrigation,' 'sanitation,' etc., which I thought might arrest the progress of work during the year, I did not propose any deduction.

After these few remarks, I do not wish to take up any more time of this Assembly, and I leave the matter to the decision of the Honourable Members.

The motion was negatived.

**The Honourable the President :** The question is :

'That a sum not exceeding Rs. 1,03,95,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st March 1922, in respect of 'Delhi Capital Outlay'.'

The motion was adopted.

**The Honourable Mr. W. M. Hailey :** Sir, I beg to move :

'That a sum not exceeding one crore of rupees be granted to the Governor General in Council under a new Demand, No. 53-A, to defray the charge which will come in course of payment during the year ending the 31st March 1922, for capital outlay on the 'Indian Telegraph Department' not charged to revenue.'

In making this motion, Sir, I wish to explain very briefly to the House my reasons for putting it forward. In the original Demand under Head No. 12, a sum of 210 lakhs was provided for capital expenditure (that is, *pro forma* capital expenditure charged to Revenue) on the Posts and Telegraphs Department (page 58). Of that sum of 210 lakhs, 12½ lakhs were provided for the Indo-European Telegraphs, leaving 197½ lakhs for the Indian Telegraph Department. When we discussed this matter before, Mr. Samarth raised the question whether the whole of this expenditure, being really of a capital nature, should rightly be debited to Revenue. We ourselves, after examining the case, found that though there was a good deal of expenditure in that 197½ lakhs which was of an unproductive type, yet there was a considerable amount such as that on wires and telegraph installations, which we could justifiably put down to capital.

I therefore accepted on behalf of Government, and the House accepted on its own behalf, a motion that a sum of one crore of rupees should be transferred from the Revenue to the Capital head. I need not say, Sir, that the effect of this is that the deficit is reduced by one crore; the deficit is, of course, a revenue deficit. Capital expenditure forms no part of it, and the purport of my Resolution is this—in the shortest words—that this one crore of expenditure should be removed from the Revenue side to the Capital side and therefore be met from loan funds. To that extent, Sir, therefore, my present motion is only of a formal nature, intended to give effect to an amendment already accepted by the House itself; the House will remember that the exact terms of that amendment were that one crore of rupees (it was one crore 10 lakhs in Mr. Samarth's original Resolution) should be transferred to the capital account. I therefore, Sir, beg to make this motion.

**Mr. N. M. Samarth:** Sir, I had tabled a motion to the effect that the whole of this new Demand be rejected. My object in doing so was to elicit from Government what I considered was the effect of the vote that was passed at my instance the other day on Demand No. 12 on Posts and Telegraphs. The result of that vote had been misinterpreted to my disadvantage in certain quarters outside this House,—in a certain section of the press. And I thought it necessary, when this new Demand came for the approval of the House, that I should have an opportunity of eliciting from Government that their view of the matter was the same as I pressed upon their attention the other day, namely, that as the result of my criticism the deficit was reduced by one crore. Nothing that this new Demand now asks the House to do is going to alter that fact,—I wanted to make it clear to this House and to everybody outside this House that this is the real nature and effect of this new Demand, and I am glad the Honourable the Finance Member has put the matter plainly before this House. Sir, as my object has thus been served, I do not now press the motion.

**The Honourable the President:** The question is that the demand be granted.

**Rao Bahadur T. Rangachariar:** Sir, may I ask, with your permission, whether this crore cannot be diverted to New Delhi?

**Dr. H. S. Gour:** Sir, may I ask a supplementary question whether, in view of this saving, the Honourable the Finance Member would not remit the increase of postal charges on letters and postcards?

**The Honourable the President:** That is hardly a question. That is a controversy.

**The Honourable the President:** The question is:

'That a sum not exceeding one crore of rupees be granted to the Governor General in Council under a new Demand No. 53-A. to defray the charge which will come in course of payment during the year ending the 31st March 1922, for capital outlay on the 'Indian Telegraph Department' not charged to revenue.'

The motion for demand was adopted.

*Disbursements under Debt, Deposit and Remittance Heads.*

**The Honourable Mr. W. M. Hailey:** Sir, with your permission I will make this motion. (The President had called on Colonel W. D. Waghorn.)

Sir, I beg to move:

'That a sum not exceeding Rs. 13,71,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of expenditure from funds deposited by 'Railway Companies'.'

I may, perhaps, explain to the House, Sir, that by an error the details of this have fallen out in printing, page 363, but this is purely a deficit operation and I do not think the House will require any additional information on the subject from me.

The motion was adopted.

[ Mr. W. M. Hailey. ]

**The Honourable Mr. W. M. Hailey :** Sir, I beg to move :

Discharge of Permanent Debt.      That a sum not exceeding Rs. 2,18,07,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Discharge of Permanent Debt'.

The motion was adopted.

**The Honourable Mr. W. M. Hailey :** Sir, I beg to move :

Discharge of Temporary Debt.      That a sum not exceeding Rs. 153,98,29,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Discharge of Temporary Debt'.

The motion was adopted.

**The Honourable Mr. W. M. Hailey :** Sir, I beg to move :

Discharge of Unfunded Debt.      That a sum not exceeding Rs. 21,56,98,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Discharge of Unfunded Debt'.

The motion was adopted.

**The Honourable Mr. W. M. Hailey :** Sir, I beg to move :

Deposits and Interest-free Advances.      That a sum not exceeding Rs. 109,83,18,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Deposits and Interest-free Advances'.

The motion was adopted.

**The Honourable Mr. W. M. Hailey :** Sir, I beg to move :

Loans and Advances bearing Interest.      That a sum not exceeding Rs. 2,15,43,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Loans and Advances bearing Interest'.

**Mr. B. Venkatapatiraju :** Sir, knowing, as I do, that the House is anxious to close this Budget discussion, I do not propose to take up much of your time. But I find it my duty to place before you and before the Government what I feel about certain matters which can only be discussed under this head. My point is whether sufficient provision has been made this year for carrying on the new irrigation projects. We have provided nearly Rs. 17 crores for the extension of Railways. Nobody grudges it, and if we had more money, we would have offered more. And I should have been glad if an equal amount or any large amount was provided for new irrigation projects also. We know that Irrigation is now a 'transferred' subject, and therefore the cost should, in the first instance, be borne by the Provincial Governments. But we find from the various reports in the papers that the Provincial Governments have no adequate sums for carrying on important projects. We know there are many projects which require expenditure to the extent of Rs. 60 crores which are necessary in the interests of the country.

And out of the small sum of Rs. 19,750,000 provided under this head I do not know what amount is provided for irrigation projects to be given to the Provinces. There is this difficulty. It may be the fault of the Provincial Governments that they have not asked for more funds in order to defray the cost of construction of irrigation works, or if they did ask the Central Government and the latter refused to allow them any larger amounts, I say the fault lies with this Government. If we know where we are, if we think that there is neglect on the part of the Local Governments to carry on the works, we can bring pressure through our local legislatures upon the Local Governments concerned to put forth their claims in order to get more funds, either by themselves borrowing with the permission of this Government or asking this Government to give them an additional amount to carry on their projects. If the Local Governments have already applied and this Government have not granted them the sums, then it is our duty to press upon the attention of this Government that more funds should be made available for that purpose, because, though we are anxious that railways should be extended, we are equally anxious to promote irrigation, knowing as we do that this country depends entirely upon agriculture, and the Government themselves in several of their reports admit that agriculture and the growth of agriculture mainly depends upon irrigation, and irrigation can only be provided by providing adequate funds.

So far as the Madras Presidency is concerned, we have our Cauvery project, our Kistna Reservoir project, the Tangabadra project, the Periyar project costing some crores. Also in Sindh we have a project, and we have in other provinces equally important projects. I may mention :

The Sing Sagar Doab Canal costing 8 crores,

The Sukkur barrage project 11 crores,

The Bhakra Denschen project 11 crores,

The Cauvery Reservoir project 4 crores,

The Sarda Canal project 8 crores,

The Sutlej Valley project 5 crores,

and various other projects which are absolutely essential. With reference to this matter, my appeal is that if the Local Governments are not sufficiently alive to this, the Central Government should make it their duty to press upon the attention of the Local Governments not only the need for bringing these new projects into existence but of carrying them out at an early date, if possible, and, if necessary, the Central Government should be in a position to offer them the necessary funds in order to carry out these projects. Unless these things are done, India will never prosper.

**The Honourable Mr. W. M. Hailey:** Sir, I must begin by congratulating the House that Madras does not, at all events, agree with some of the Bengal representatives on a subject which I myself at all events have very much at heart, namely, the promotion of irrigation. Now, Sir, I am going to proceed by evading, if I may be rude enough to do so, a direct answer to this question, and I am going instead to ask the Honourable Member himself one question, and another Honourable gentleman sitting in this House, though



[Mr. W. M. Hailey.]

not a member of it, another. I am going to ask Mr. Raju if he knows of any case where we have refused funds for an irrigation project in which he is interested, or have refused a loan for these purposes to any Local Government. And I am going to ask the Honourable Mr. Sarma who is sitting here, and who is in charge of the Irrigation Department, to tell the House whether I have exhibited in respect of irrigation that horrible habit of restricting, or of denying the necessary expenditure which I have perhaps not without justice been alleged to have practised in regard to other departments?

**The Honourable Mr. B. N. Sarma:** I wish that the Honourable Mr. Hailey had addressed to me a similar question when the point was the provision of money for capital expenditure in Delhi. With regard to the expenditure on irrigation, the Department over which I have the honour to preside have approved of various projects and recommended them to the Secretary of State for sanction, and some of them have been sanctioned. We have addressed the Local Governments on the subject and asked them as to what they intend to do by way of financing those projects.

We have not yet heard from the Local Governments as to whether they mean to borrow the money themselves or ask the Government of India's help in that respect. I am not aware that any Local Government has approached, through the Public Works Department or the Revenue and Agriculture Department, for any assistance from the Government of India in this direction, or that the Finance Department has refused it. Speaking about Madras to which the Honourable Member refers the only important project which is ripe for execution is the Tanjore Project or the Mettur Project, but owing unfortunately to disputes between the Mysore Government and the Madras Government, it has not been possible to push on with that project, and we are expecting every day some amicable solution of the matter, so that funds may be provided either by the Madras Government or the Government of India for the construction of that project in the near future. I think, therefore, it will be to the advantage of Honourable members to see that this matter is agitated in the Provincial legislatures and if any assistance of the Government of India is required, I feel sure that the Government of India would not withhold it from them, wherever it may be possible to grant it.

#### LOAN FOR THE MADRAS CORPORATION.

**Rao Bahadur T. Rangachariar:** I beg to ask whether the Government of Madras applied to the Government of India for any loan on behalf of the Corporation of Madras. The Corporation of Madras is in a very bad plight in the matter of financing their costly water works and drainage schemes, and they have no ready market for raising a loan. The most recent information I had was that they could not raise a loan at less than 7 per cent., and I ask whether it would be wise for the Government to allow such loans to be raised in the market on behalf of local bodies when the Government can help them. It is this high rate of interest that stands in the way of the Government themselves raising loans, and I would therefore suggest to the Government of India to help the Madras Government with a loan for the use of the Madras Corporation. The Madras Corporation cannot carry out the scheme which they have in hand. The works are partly completed and

it will be a very necessary help. It will help the Corporation and it will help the Government of India also in having a good market for raising its loans.

#### SUKKUR BARRAGE SCHEME AND CANAL.

**Mr. S. C. Shahani:** I rise to inquire what has been done in regard to the Sukkur Barrage Scheme? It has been hanging fire for a very long time. I suppose every one in this House would like to know whether or not the Provincial Government has approached the Imperial Government for funds, and whether or not the Provincial Government have found it possible to provide funds for this scheme themselves. It is my duty to state here, and I have no doubt that the Government and the House will be sorry to hear it, that I or other cultivators on the Jamrao Canal have not been able to do any *rabi* at all this year. The cultivators will on this account find it very difficult to live; and I am afraid crime will be stimulated to a very great extent.

It is being said that it is a very difficult thing to improve the water supply in the Jamrao Canal, but I have always felt that if the requisite funds were available, even I could put it right in a short time, layman as I am, by regulating it throughout; and, if necessary, giving it a new head. I trust the Imperial Government will stimulate those who are responsible for the administration of the Jamrao Canal to do the needful soon. It is true that the supply of water in the Jamrao Canal has dwindled; and only a few hundred cusecs flow into it. But is not that due to the head silting up every year? But is that not due to the canal being unregulated some miles below the head? The Government this year will go without a very large revenue. I think it will be in the interest of Government to find funds for a new head for the Jamrao Canal.

Hitherto, the Government revenue has been sufficiently well protected. Whether the cultivator is able to raise a good crop or not the assessment is duly paid. But this year the Executive Engineers very kindly announced in time that there would be no water available for the *rabi* cultivation, and on that account no *rabi* cultivation was done. I would implore those who are in power to take up the question soon.

**Colonel Sir Sydney Crookshank:** Sir, I can assure the Honourable Member that the whole question of irrigation in Sindh has not only received the very careful attention of the Bombay Government, but also that of the Government of India.

The position as regards the Sukkur Barrage Project, to which he specifically refers, is that the project has gone Home to the Secretary of State under a despatch, which was followed up by a private letter from His Excellency the Viceroy to His Majesty's Secretary of State in which he asked the latter to do everything in his power to expedite sanction. I think, therefore, that the Honourable Member may be assured that the position is a satisfactory one.

If I may digress for one brief moment, I should like to give the Members of this House a few figures which I have just got out in connection with State irrigation returns for the year 1919-20. I think they will be of considerable interest to the House in illustrating the position which India occupies as the first and foremost country in irrigation in the whole world. The area irrigated by State canals in that year was 29,144,864 acres. The

[ Colonel Sir Sydney Crookshank.]

capital outlay has been 58 crores, the gross revenue Rs. 8,10,00,000, the working expenses, etc., Rs. 2,42,00,000 ; the net revenue is Rs. 5,68,00,000 giving a return of 9½ per cent. The crop value on this acreage amounted to no less than 1,73,63,00,000 of rupees.

**Babu K. C. Neogy :** May I inquire, Sir, as to whether the amount of Rs. 50,00,000 shown against the Bengal Government is for the Grand Trunk Canal Project, and the rate of interest at which this amount will be available to the Local Government ?

**The Honourable Mr. W. M. Hailey :** Two or three inquiries have been addressed to me, which, I think, I am in a position to answer, assuming, as I do, that the House will be fully satisfied with regard to the remainder of their questions after what they have heard from the Honourable Mr. Sarma and Sir Sydney Crookshank.

Mr. Rangachariar asked me whether the Madras Government had applied for a loan for the Madras Corporation. Speaking from memory, I do not think, Sir, that they have specifically applied to us for a loan for the Corporation. I think they referred to us lately the question of the Port Trust, but they have asked us to help them with a loan from our own resources in aid of their Provincial loan funds, and it is possible that they themselves contemplate a direct loan from their Provincial loan funds to the Madras Corporation. At the same time, I think that we here would welcome any attempt on the part of Madras so to work up local patriotism as to provide themselves with loan funds, following in that respect the example that has lately been set to them by Bombay. My answer, therefore, to that particular question, Sir, is that, so far, we have not yet received a direct representation with regard to the Madras Corporation.

Mr. Neogy asked whether there was any provision in these 50 lakhs for Bengal for the Grand Trunk Canal Project.

The Bengal Government asked us to sanction a loan of one crore during the year 1921-22 for various schemes, including the Grand Trunk Canal Project and upon the Damodar Canal Project. We have entered 50 lakhs as a loan to that Government, as we considered that it would probably be about the amount which could be usefully spent during the year.

Now, Sir, I hope I have persuaded the House that, though in regard to other classes of expenditure, my Department does perhaps represent what the poet Milton described as 'the blind Fury with its abhorred sheares', yet this is not true in respect of irrigation. I can assure the House that it would be only under the stress of dire necessity that we should deny to Local Governments loans they may require for carrying out such projects. We not only recognise that the promotion of irrigation projects is a primary necessity in an agricultural country such as India, but we are sufficiently wise also to recognise that irrigation returns us a very handsome direct and indirect income.

**The Honourable the President :** The question is :

'That a sum not exceeding Rs. 2,15,43,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Loans and Advances bearing interest'.'

The motion was adopted.

**The Honourable Mr. W. M. Hailey :** Sir, I beg to move :

‘That a sum not exceeding Rs. 2,25,00,85,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the course of the year ending the 31st of March 1922 in respect of ‘Remittances’.

**Rao Bahadur T. Rangachariar :** Sir, I beg to move :

‘That the provision for War Office Transactions (page 365) be reduced by one rupee.’

Sir, the Honourable the Finance Member assured us the other day that the ‘touchables’ were more numerous than I thought. I then went through the volume and came upon this page, which offered a very great temptation. Here was a sum of Rs. 2,25,00,00,000 to be voted by us. What a grand thing, I thought to myself. I went over the items bit by bit, one by one. I did not understand what they were about. What is the meaning of our voting this Rs. 2,25,00,00,000? Now, being afraid to put my foot where perhaps I may be dragged too deep, I made this modest suggestion that the amount should be reduced by one rupee. Here I said was some military expenditure which comes readily to hand, and I therefore put my hand on the War Office transactions. I am afraid I do not understand these transactions. We are only told War Office Transactions Rs. 21,00,00,000, but we are not told what they are about. Whether they are mere advances made to the War Office to be recovered hereafter from the Home Treasury, or whether in the shape of a present to the War Office, or whether it is part of military expenditure to be incurred by this country on behalf of the Indian Army, I could not make out.

So that in drawing the attention of this Assembly to this item, I wanted to make quite sure whether this Assembly could bring this sort of indirect pressure to bear upon the military authorities to reduce their expenditure. Here is an item which comes readily to our hand. And we can take hold of the military hand which leads us astray. But having regard to the nature of the times, and having regard to the appeal made by His Excellency the Commander-in-Chief the other day, I did not dare to ask for more than rupee 1 reduction; for I know the Honourable the Finance Member will round it off by adding another rupee, so that no harm will really be done and we would have expressed our opinion that the military expenditure is growing too fast. I therefore, Sir, move my proposition.

**Mr. A. V. V. Aiyar :** Sir, taking the first item of Rs. 21 crores War Office transactions to which the Honourable Member has referred, I may say that it represents entirely advances made for expenditure in India and in Mesopotamia on behalf of the British Exchequer. Every pie of this expenditure is recovered from His Majesty’s Government in London at current rates of exchange; and these recoveries are of very great advantage to us at the present moment, as they provide the Secretary of State with part of the sterling resources which he will require for meeting expenditure in England on behalf of the Government of India.

To take another instance, Inland Money Orders, this represents payments made by post offices throughout the country on account of money orders issued. I need not say that there is a corresponding entry on the receipt side for receipts from money orders issued.

The rest of the entries appearing in this account are merely book-keeping entries. I am sure the House will not expect me to explain them in detail here; but if any Honourable Member requires any explanation I am quite ready to give it to him.

**Rao Bahadur T. Rangachariar :** I do not press my motion, Sir.

**Babu K. C. Neogy :** I can assure the House that it will not break my heart if the extravagant reduction suggested by my Honourable friend be not effected. I want some information, Sir, from our friend, Mr. Aiyar. A few days ago I put some questions with regard to the expenditure which was being incurred in this country on account of some prosecutions which were undertaken at the instance of the Munitions Board. Well, it was stated that the expenditure in one case, the United Provinces case, was debited to His Majesty's Government; but that the expenditure in the Bengal cases is being borne by the Government of India 'for the time being'. I wanted information as to the head under which this expenditure 'for the time being' may be shown; but unfortunately the Honourable Member who replied to my question was unable to supply the information. I now take this opportunity of asking my friend, Mr. Aiyar, whether the War Office transactions have got anything to do with this amount. My object is this, I want an assurance from Government that this expenditure will be ultimately debited to His Majesty's Government.

**Mr. A. V. V. Aiyar :** Sir, I think it is almost certain that the portion of the expenditure which is borne by His Majesty's Government appears under this particular Head. I am not so sure about the portion which is being borne temporarily by us. Probably the case is that it is being met by the Local Government in the first instance, and we will probably hear about it soon. The Local Government may ask us to pay it or adjust it in some way or other. We will know more about it later, but I have no information about it at present.

The motion was, by leave of the Assembly, withdrawn.

**The Honourable the President :** The question is :

'That a sum not exceeding Rs. 2,25,00,85,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the course of the year ending the 31st of March 1922 in respect of 'Remittances'.'

The motion was adopted.

**The Honourable Mr. W. M. Hailey :** Sir, I beg to move :

'That a sum not exceeding Rs. 1,17,35,07,000 be granted to the Governor General in Council to defray the charge which will come in course of payment for the year ending the 31st of March 1922 in respect of 'Home Transactions'.'

The motion was adopted.

**The Honourable the President :** This House now stands adjourned till 11 A.M. to-morrow morning.

The Assembly then adjourned till Thursday, the 17th March 1921.

# LEGISLATIVE ASSEMBLY.

*Thursday, 17th March, 1921.*

The Assembly met in the Assembly Chamber at Eleven of the Clock.  
The Honourable the President was in the Chair.

## QUESTIONS AND ANSWERS.

### CIVIL SUITS IN DELHI COURTS.

482. **Mr. Darcy Lindsay :** Will the Government be pleased to state what is the number of civil suits filed in the Delhi Courts in the years 1917, 1918 and 1919 which are still unheard ?

**Mr. S. P. O'Donnell :** It is understood that the word 'unheard' is intended to include 'partly heard but not yet decided' because there have of course been many hearings in the pending suits. A statement is laid on the table showing the position as regards these suits at the end of February 1921.

Figures for the Small Cause Court, where work is disposed of expeditiously, are not given.

*Statement showing the number of civil suits filed in the courts in Delhi in the years 1917—1919 which are pending at the end of February 1921.*

Name of Courts.	Year.	Institutions.	Still pending.
District Judge's Court . . . . .	1917	11	Nil.
	1918	9	„
	1919	12	„
Sub-Judge's Court . . . . .	1917	542	Nil.
	1918	719	5
	1919	837	203
Munsif's Court . . . . .	1917	1,545	4
	1918	1,472	10
	1919	1,590	81

### SUMMARY PROCEDURE ON NEGOTIABLE INSTRUMENTS.

483. **Mr. Darcy Lindsay :** (a) Will the Government be pleased to state whether the summary procedure on Negotiable Instruments provided under Order XXXVII of the Civil Procedure Code has been applied to any court in the Capital of India ?

(b) If the answer is in the negative, will the Government be pleased to state whether they propose to take the necessary steps to so apply it at an early date ?

**Mr. S. P. O'Donnell:** (a) Order XXXVII of the First Schedule to the Civil Procedure Code has not been applied to any of the Civil Courts in Delhi.

(b) Before the order can be so applied it would be necessary for Rule 1 to be amended. This can be done by the High Court at Lahore acting under section 122 of the Code or by the Indian Legislature. The Government of India will consult the Chief Commissioner of Delhi as to whether such action is desirable.

#### MEMORIALS FROM SECRETARIAT EMPLOYEES.

484. **Mr. Sambanda Mudaliar:** (a) Have Government received any memorials from the members of the Upper and Lower Divisions of the Imperial Secretariat service since the issue of the Home Department Resolution No. 1062-Est., dated the 27th May 1920, pointing out a number of anomalies which have been produced by the said Resolution, and if so, whether any action was taken, and with what result ?

(b) Are the Government aware of the fact that rise in prices has affected all alike but the relief granted has been uneven and unequal with the result that some have been benefited considerably whilst others have received little or no benefit ? If so, are the Government taking any steps :

(i) to accord uniform treatment, or

(ii) to fix a minimum percentage of increase commensurate with the increase in the cost of living ?

**Mr. S. P. O'Donnell:** The Honourable Member is referred to the answer which I gave to a similar question asked by Sir P. S. Sivaswamy Aiyer on the 10th March 1921.

#### INCREMENTS ON THE TIME-SCALE BASIS.

485. **Mr. Sambanda Mudaliar:** Are the Government aware that the prescription of a monetary limit as the basis for calculating increments on the time-scale in the case of Assistants placed in the Upper Division on its formation in 1909 will oblige these men to render between 25 to 30 years of service before they can hope to reach their maximum ?

(b) Will the Government be pleased to state whether they have allowed the maximum to be reached in 20 years or less in the case of any services, and, if so, will they please name them ? If the answer be in the affirmative, do the Government propose to consider the desirability of providing for the men in the Upper Division to attain their maximum in 20 years ?

**Mr. S. P. O'Donnell:** It is probable that some of the Assistants now in service will have to put in from 25 to 30 years' service before they can reach the maximum pay of the time-scale now sanctioned for the Upper Division of the Secretariat, but this is inevitable in the period of transition from a graded system to a time-scale. In a number of services the maximum can be reached in 20 years; if the Honourable Member so desires, I will have a list of such

services prepared and sent to him. The time-scale for the 1st Division of the Secretariat 200—15—500 is a 20-year scale, that is, men who are appointed to that Division will reach the maximum after 20 years' service in it. Assistants of special capacity can reach the maximum more rapidly by promotion to the upper time-scale beginning at Rs. 375 in which the increments are Rs. 25.

UPPER DIVISION ASSISTANTS IN THE UPPER TIME-SCALE.

486. **Mr. Sambanda Mudaliar** : Do the Government propose to consider an increase in the proportion (15 per cent.) of Upper Division Assistants in the Upper time-scale to 25 per cent. or at least up to the number of permanent Superintendents in each Department ?

**Mr. S. P. O'Donnell** : The matter is being considered in connection with certain memorials which have been received from Secretariat Assistants and Clerks.

SPECIAL TREATMENT IN HARD CASES.

487. **Mr. Sambanda Mudaliar** : With reference to the Home Department Resolution of the 27th May 1920, quoted above, which provides for special treatment being accorded in hard cases, will the Government be pleased to state :

- (1) how many hard cases have been recommended by the various Departments ?
- (2) in how many of these hard cases special treatment has been accorded and how many have been thrown out ?

**The Honourable Mr. W. M. Hailey** : (1) The total number of cases in which recommendations have been made by the Departments concerned for a relaxation of the rules laid down in the Home Department Resolution No. 1062, dated the 27th May 1920, is 58.

(2) Special treatment was accorded in 33 cases and the remaining 25 cases were left to be dealt with in accordance with the ordinary rules in the Resolution.

DINDIGUL-PALGHAT RAILWAY.

488. **Mr. Sambanda Mudaliar** : (a) Will Government be pleased to state whether the proposed Dindigul-Palghat Railway will be taken up for execution during the financial year ? If not, when will it be possible to commence work ?

(b) Will the Government be prepared to construct and work it as State Railway ?

**Colonel W. D. Waghorn** : (a) The construction of the Dindigul-Palghat Railway will not be taken up during the current financial year. Owing to the abnormal state of the money market and the high prices of labour and material, this project has been kept in abeyance for the present, and Government are unable to say when it will be possible to commence construction work on this line.

(b) The Government of India are not at present in a position to construct the proposed line from State funds.



### QUARTERS FOR INDIAN SECRETARIAT ASSISTANTS.

489. **Mr. Sambanda Mudaliar:** Will the Government be pleased to state :

(a) the capital cost of residential quarters of the C, D and E types intended for the Indian Secretariat Assistants and Clerks in Raisina and the corresponding figures for quarters intended for European Assistants and Clerks of the same status and pay ?

(b) the details of the articles of furniture and their cost supplied to the above two classes of Assistants and Clerks ?

**Colonel Sir S. D'A. Crookshank:** (a) and (b). The Honourable Member is referred to the answers given by Sir Claude Hill to questions asked in the Imperial Legislative Council on the 21st March 1919, by the Honourable Mr. V. J. Patel. The questions and answers will be found printed in the *Gazette of India*, dated 5th April 1919, Part VI, pages 832-834. I have supplied the Honourable Member separately with copies of the statements referred to in clauses (c) and (d) of the answers.

The final cost of these quarters is not yet known.

In addition to the furniture shown in the list then furnished, it has been decided to maintain a reserve stock of the following articles of furniture to meet demands from the occupants of the Indian Clerks' Quarters :

Chairs, easy.  
Chairs, ordinary with arms.  
Tables suitable for writing or dressing.  
Beds, newar.  
Almirahs, shelf.  
Teapots.  
Bookshelves (better class).  
Meatsafes.  
Tubs.  
Commodes.  
Towel racks (strong).  
Bathboards (plain tops).  
Wash stands with toilet sets.  
Mirrors.

**Mr. Sambanda Mudaliar:** May I ask a supplementary question, Sir? Having regard to the difference in quantity and the value of the furniture supplied to clerks, Indian and European, will Government be pleased to take early steps to remove this inequality?

**Colonel Sir S. D'A. Crookshank:** I shall be very glad to take action on what the Honourable Member wishes to have inquired into; but perhaps it would assist me in doing so if the Honourable Member would come and discuss with me personally.

### QUARTERS FOR INDIAN ASSISTANTS IN RAISINA.

490. **Mr. Sambanda Mudaliar:** (a) Is it a fact that the design of the C and D types of quarters built for Indian Assistants in Raisina is found to be unsuitable and insecure against thefts?

(b) If the answer is in the affirmative, what steps do Government propose to take to remedy these defects ?

**Colonel Sir S. D'A. Crookshank :** (a) and (b). As regards unsuitability, the reply is 'No.' Reports of cases of thefts have been made and the question of raising the courtyard walls is under consideration.

#### RESIDENTIAL BUILDINGS FOR INDIAN CLERKS.

491. **Mr. Sambanda Mudaliar :** Do Government propose to consider the desirability of placing before a Committee of representatives of this Assembly the designs of residential buildings for Indian clerks to be constructed hereafter in Raisinga for approval and suggestions before it is decided to adopt those designs ?

**Colonel Sir S. D'A. Crookshank :** Government do not consider that any useful purpose would be served by accepting the Honourable Member's proposal ; but any suggestions advanced will be carefully considered in the Public Works Department. I may mention that designs have already been discussed and examined in detail by representative Indian Clerks, and, in this connection, the Honourable Member is referred to clause (e) of the answer I gave to a question put by Khan Sahib Mirza Muhammad Ikramulla Khan in this Assembly on 22nd February 1921.

#### TANNING SCHOOL.

492. **Mr. Sambanda Mudaliar :** (a) Will Government be pleased to state if they have any proposal to start a tanning industry and school for training in the art of tanning skins in any of the important commercial cities of India ?

(b) If so, at what cost and when ?

**The Honourable Sir Thomas Holland :** I take it for granted that by the word 'Government' the Honourable Member means the Government of India.

(a) The Government of India have formulated a scheme for the establishment in Calcutta of an Imperial Tanning Institute in which it is proposed to combine a tanning research institute, a tanning school, a demonstration tannery and a demonstration boot and shoe factory.

(b) The details of the scheme have not yet been worked out but the approximate cost of it, as roughly calculated at present, will be :

#### *Non-recurring.*

	Rs.
Capital charges for land, buildings, plant, machinery, etc.	16,00,000

#### *Recurring.*

	Rs.
(i) Demonstration tannery . . . . .	28,000 per mensem
(ii) Demonstration boot factory . . . . .	11,000 per mensem
(iii) Tanning School and Research Institute . . . . .	13,000 per mensem

against which is to be set off the proceeds of the tannery and the boot factory which it is proposed to conduct on commercial lines.

Owing to the financial situation the consideration of the scheme has had to be deferred for the present and further progress will depend on the possibility of providing funds.

#### PAPER CURRENCY RESERVE.

493. **Mr. M. K. Reddiyar :** Will the Government be pleased to state :

(a) what has been the actual loss in rupees to the Paper Currency Reserve caused by the transfer of a portion of the Reserve to London, through Council Drafts, and its retransfer to India through Reverse Councils ?

(b) if it is a fact, that Lord Lytton made a statement in the House of Lords acknowledging that the figure of Rs. 35 crores as a loss to the Indian exchequer, was substantially accurate ?

**The Honourable Mr. W. M. Hailey :** I would invite the Honourable Member's attention to the reply which I gave to Question No. 515 on the same subject by Mr. Venkatapatiraju. That answer supplies the necessary qualifications to Lord Lytton's statement.

#### CALCUTTA DOMICILED COMMUNITY INQUIRY COMMITTEE.

494. **Mr. A. D. Pickford :** Will the Government be pleased to state :

(a) Whether it is the case that a letter addressed by the Secretary of the Calcutta Community Inquiry Committee on the 18th September 1920, to the Adjutant General in India was replied to on the 24th of February 1921 ?

(b) whether it is the case that the letter of 24th February 1921, made no attempt to deal with the subject-matter of the letter of 18th September 1920, but requested that the matter be referred to the President of the Anglo-Indian Association—a body no longer in existence—who would, no doubt, address His Excellency the Commander-in-Chief further on the subject ?

(c) whether Government will be pleased to inquire into the reason for the delay in dealing with the letter in question ?

May I point out a clerical error ? The Calcutta Community Inquiry Committee should be the Calcutta Domiciled Community Inquiry Committee.

**Sir Godfrey Fell :** (a) Yes.

(b) Yes. It is however understood that the Anglo-Indian and Domiciled European Association has now had its name changed to the Anglo-Indian Association.

(c) Government have inquired into the reason for the delay in dealing with the letter from the Secretary, Calcutta Domiciled Community Inquiry Committee, dated the 18th September 1920. They much regret, that owing to an entire misapprehension as to the scope and functions of the Calcutta Domiciled Community Inquiry Committee, a full reply was not sent to this letter. The matter is being taken up, and a reply will shortly be sent regarding the points specified.

**Mr. A. D. Pickford :** May I ask a supplementary question. Sir? Is it not the case the change of name is only in the form of a Resolution at a conference and has not actually been given effect to?

**Sir Godfrey Fell :** I am not an expert on this subject, Sir. But the letter informing us of this change of name was a letter in the name of the Association, signed, I think, by the Secretary, Mr. Hardless.

#### NEW UNIVERSITIES IN INDIA.

495. **Lala Girdhari Lal Agarwala :** (a) Will the Government be pleased to lay on the table the correspondence and proposals about the establishment of new universities in India?

(b) Do the Government of India favour the idea of establishing a university at Agra and another at Cawnpore?

**Mr. H. Sharp :** (a) The Government of India are not in a position to place on the table the correspondence about the establishment of new Universities in India.

(b) Any proposal put forward by the Government of the United Provinces for the establishment of a University at Agra or Cawnpore would receive sympathetic consideration.

#### POST OFFICE AND RAILWAY MAIL SERVICE IN THE PUNJAB.

496. **Mr. T. M. Hussain Sahib Bahadur :** (i) Will Government be pleased to state the number of clerks, Inspectors and other Supervising Officers employed in the Post Office and Railway Mail Service in the Punjab showing separately the number of (a) Muhammadans, (b) Hindus, and (c) other nationalities, and the percentage of Muhammadans to men under (b)?

(ii) In case there is a low percentage of Muhammadan employees in the Post Office or Railway Mail Service, what steps do Government propose to take to equalize their proportion?

**Mr. C. A. Innes :** (i) *Post Office :*

Muhammadans 766, Hindus 1,419, Others 204. Percentage of Muhammadans to Hindus 54.

*Railway Mail Service :*

Muhammadans 160, Hindus 521, Others 34. Percentage of Muhammadans to Hindus 31.

(ii) This question does not arise as the proportion of Muhammadans to Hindus in the Post Office and Railway Mail Service together compares not unfavourably with the proportion of the Muhammadan to the Hindu population of the Province.

**The Honourable Mr. W. M. Hailey :** Sir, I lay on the table the information promised in reply to a question by Mr. Rangachariar on the 17th February 1921, regarding the number of appeals and petitions to the Chief Revenue Authority under the Excess Profits Duty Act.

*Statement showing the number of appeals and petitions to the Chief Revenue Authority under the Excess Profits Duty Act.*

Provinces.	No. of appeals and petitions received.	No. summarily rejected.	No. heard on merits.	No. in which assessments were revised or modified.	REMARKS.
Madras . . .	290	21	250	188	
Bombay . . .	380	3	366	287	11 pending.
Bengal . . .	145	20	80	67	9 withdrawn and 30 pending.
United Provinces . .	62	4	57	33	1 pending.
Punjab . . .	114	...	101	79	21 rejected after hearing, 1 returned for fresh decision and 13 pending.
Burma . . .	7	...	7	6	
Bihar and Orissa . .	8	3	5	4	
Central Provinces . .	...	...	...	...	
Assam . . .	...	...	...	...	
TOTAL . . .	1,006	51	872	664	

**The Honourable the President:** I have to inform the Assembly that His Excellency the Governor General has been pleased to nominate the Honourable Mr. Hailey as a Member of the Standing Finance Committee.

## THE BUDGET—THE INDIAN FINANCE BILL.

### FINAL STAGE.

**The Honourable Mr. W. M. Hailey:** Sir, I beg to move:

‘That this Assembly do recommend to the Council of State that the Bill farther to amend the Indian Tariff Act, 1894, the Indian Post Office Act, 1898, the Indian Income-tax Act, 1918, and the Super-tax Act, 1920, and to amend the Freight (Railway and Inland Steam-vessel) Tax Act, 1917, be referred to a Joint Committee of this Assembly and of the Council of State and that the Joint Committee do consist of 20 Members.’

I have no doubt, Sir, that the House will desire that I should place before it some explanation of the reason why I make this particular motion. The Finance Bill, as we may call it for short, was formally introduced before this Assembly on the 1st of March last. The first stage, therefore, has been passed. Now comes the second stage; and I propose to explain briefly to the House firstly, why I have proposed that the Bill should be referred to a Committee, and secondly, why I have proposed that it should be referred to a Joint Committee of both Houses. In the second stage of a bill the rules provide three courses as alternatives for action. I would refer Honourable Members to Article 68 in the Hand Book giving the matter in brief. I could have

proposed to the House that the Bill should be taken into consideration or that it should be put to a Select Committee, or thirdly, that it should be circulated. Now the House will probably agree with me that it was unnecessary to move for circulation, because the matter has been very fully placed before the House and before the country as the result not only of my Budget speech on the 1st of March, but of the general Budget debate following. I think, as a matter of fact, that the Bill itself has already been published in most of the newspapers. Then, as between the other two alternatives, the process of moving for consideration involves first that the general principles of the Bill should be discussed, and when the motion for consideration has been passed, the amendments should then be considered. Now, the general principles of the Bill have, I think, been discussed very fully in the course of the two days debate which we devoted to general discussion of the Budget. In itself the Bill merely proposes by the alteration of a number of schedules of different Acts to give effect to detailed proposals for taxation which are necessitated by the deficit shown by the Budget. I doubt in consequence whether the House would desire that further opportunity should be given for the discussion of the general principles.

Then, as I said before, the rules provide that when the motion for consideration has been accepted, the House should at once proceed to consider amendments. Now I urge that before amendments of the number and complexity of those which are before us are considered, it would be advisable that they should be deliberated at, what I may describe as a round table committee of members representative of the Assembly, a committee which can hear witnesses, who attend to put forward the case of bodies, institutions or persons affected by the taxation. That is a very important stage in the consideration of all taxation proposals, of any wide scope and the House, I am sure, will agree that it will be far more convenient that such witnesses, if they are to be heard, should be heard by a committee rather than their representations should simply be placed in writing before the House. It is for this reason, that I have proposed instead of asking that the Bill should be taken into consideration, that it should be placed before a committee. Let me say at once that the reference to a Select Committee and the fact that it is returned to the House after consideration by a Select Committee does not bind either individual members of the committee or Members of the House in any way.

Any member of the committee who dissents from his colleagues on that committee can append his note of dissent. He can afterwards, if he wishes to do so, move amendments to which he has referred in that note of dissent. And of course Members of the House who are not members of the committee can equally move any amendment they desire when the Bill comes up after consideration by the Select Committee. Now, Sir, so much for one part of my case,—the reason why I have desired to refer the Bill to a Select Committee.

Now comes the second part,—the reason why I have proposed that it should be referred to a Joint Committee of the two Houses. It is, of course, necessary that any Bill, even a Bill for taxation, should be passed by both Houses. I have only to refer to section 83 on page 30 of the Handbook. Now, when a Bill that has been passed by one House after reference to a Select Committee goes to the other House, then that other House does not appoint another Select Committee. By referring the Bill to a Committee of the originating House, therefore you avoid in any case that stage—the Select Committee stage—in the second House. But you do not avoid the fact that in that

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second House numerous amendments may be brought forward which could perhaps have been obviated if a Joint Committee had considered the Bill before it went to the second House. That, I consider, is the gain by referring the matter now to a Joint Committee. It is a saving of labour for the legislature generally. If the second House has numerous amendments which it desires to place in the Bill, then it returns the Bill to the first or originating House with these amendments in them. For the facility of the disposal of business, it is obviously desirable that these amendments should be as few as possible; because, if the second House insists on the retention of its amendments, then you are involved in all that awkward and somewhat dilatory procedure which is provided for in section 93 onwards of the Handbook. That is a contingency which most of us, I think, would wish to avoid.

I have now, Sir, attempted to make my own point of view clear to the House. I rest my case on this ground, that the procedure which I now propose will result in a certain saving of labour to the legislature itself and a certain saving of time. I hope that the House will accept my assurance when I say that the saving of time is not so important from our, that is the official point of view as it may prove to be from that of the legislature and of the public. We are here at the disposal of the legislature, and it is a matter of very little moment to us if the disposal of this Bill by the legislature is deferred some days or even weeks. That, as I say, is a matter of comparatively small moment to us. But there is another aspect of the case which I think it is well that I should make clear. Trade and Commerce generally has, hanging over it, certain proposals in regard to taxation and to tariffs, and it is in the interests of trade that those questions should be settled one way or the other as soon as possible. I see that the point is so well appreciated, Sir, by many of us in the House who are concerned in the commerce of the country that I need not dilate on it. I will only refer, as one typical case, to the fact, that we have received very numerous telegrams from different interests concerned and, in particular, we have received large numbers of telegrams from merchants in regard to the amendment which has been put forward on the subject of the taxation of silver. Now, this is obviously causing a great deal of disturbance in the minds of dealers, both in Bombay and in Calcutta. And I for one should be very glad indeed to set their minds at rest as to the action which we are going to take, either one way or the other, in regard to taxation of this description. I quote this only as one illustration; and I see that it is unnecessary for me to dilate on that aspect of the case. I desire only to make it clear that I have put forward this proposal not as involving any restriction on discussion— for I want the very fullest and freest discussion of every item of this Bill—but as likely to lead to a saving of some time to the legislature and some anxiety to the many commercial interests concerned.

**Dr. H. S. Gour :** Sir, the question which the Honourable Finance Member has raised, raises an important question of constitutional law, which I take leave to state shortly before this House. The House will bear with me when I state, that under section 67(a) of the Government of India Act, which is printed in this Handbook, the power to vote on the Budget is reserved exclusively and solely to the Members of this House. [See section 67(a), clause (6), page 59.]

Now, the position is this—and I think it is a position which has been conceded by the other House—that all matters relating to the Budget and supplies

shall be exclusively discussed, debated and decided upon by the Members of this House. Is the Finance Bill an independent piece of legislation or is it merely part and parcel of the Budget intended to validate the provisions of the Budget and to give effect to its accepted provisions? I venture to submit, that two opinions are possible on this point. First, that the Budget provisions are the principal provisions relating to the raising of revenue in this country and if it is once conceded, as it must be conceded, that the power to vote supplies vests exclusively in this House, I submit, it must be conceded as a matter of necessary implication that the power to find money for the purpose of validating the provisions of the Bill must equally rest solely on the responsibility of this Assembly. In other words, the Finance Bill is merely ancillary to the main purposes of the Budget. If there was no Budget, this Finance Bill would not exist. It is merely intended to legalise the operation of the Budget for the ensuing year and as such it has no independent existence. Now, I beg to ask, that if the power to vote supplies rests exclusively with this House, should not also the power to adopt a measure for the purpose of finding money necessary for the purpose of carrying that Budget into effect rest equally and solely with this House? It is merely a validating Bill intended to give effect to the provisions accepted by this House.

Now, Sir, if that be the view acceptable to the House, I submit, that the Council of State have no jurisdiction to go into this question, dealing as it does with the money bill. I am perfectly certain, Sir, that if this question had been raised in the House of Commons, the answer would admit of no doubt. The question was debated in 1909-10 and the order which is given in May's Parliamentary Practice at pages 322 and 323 sets the matter at rest so far as the British House of Commons is concerned.

The Honourable Finance Member has, no doubt, a lurking suspicion of an objection of the kind I raise, and, therefore, he has drawn the attention of this House to a provision which lays down that :

‘ Except as otherwise provided by, or under this Act, a Bill is not to be deemed to have been passed by the Indian Legislature unless it has been agreed to by both Chambers.’

Now, you will observe the qualifying clause which controls the whole section, ‘ except as otherwise provided by, or under this Act ’. ‘ Except as otherwise provided ’, and not necessarily *expressly* provided by this Act. We know as lawyers that a provision may be made expressly or by necessary implication, and I venture to think, that if section 67(a) clause (6) is correctly read, there would seem to be a necessary provision underlying that section that all money bills shall be passed by the Members of this House and this House only. I therefore submit, that Article 83, of this Manual does not trouble me and does not stand in the way of the argument that I am advancing. Is there anything else in the whole of this book which militates against the contention that I am advancing? I submit, there is not. On the other hand, may I be permitted to point out the practical difficulties of a situation that might arise and may be created by referring this Bill to a Joint Committee of both the Houses?

Suppose we were to accede to this motion. Now, it is provided in the rules, that an equal number of Members of this Assembly shall sit with an equal



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number of Members of the Council of State. The Members of the Council of State will ask us :

‘ You want us to pass this measure. First satisfy us that the Budget which you have passed is a righteous Budget. Otherwise, we shall not be a party to the passing of this measure. Discuss with us clause by clause, item by item, and explain to us why you have passed these measures which entail such a heavy expenditure on the public revenue.’

If we are to take them into our confidence, in duty bound we ought to discuss with them every item of this Budget, in other words, there must be a re-discussion of the whole Budget before the Members of that House. Is that contemplated by the Government of India Act, section 67 (a)? What the Legislature has excluded,—and expressly excluded from the purview of the other House—would be let in indirectly by the course which the Honourable Finance Member invites us to adopt?

Now, Sir, before the Members of the Select Committee, or rather of the Joint Select Committee commit themselves to this proposal, I have already told you that they will be within their rights, and in fact, I submit further, that it will be almost obligatory on us to explain to them the reasons which have induced this House to pass the Budget. But if the Select Committee of that House is convinced, it, by no means, follows that the Council of State would be convinced. The Honourable Finance Member has told us in words which can admit of no mistake that all Bills must be passed by the two Chambers.

Now, let me take you through the next stage of discussion. If this Finance Bill goes to the whole House, namely, the Council of State, the Council of State would be perfectly justified in saying :

‘ You must lay all your cards on the table. Justify to us every provision of this Budget, every item that the Assembly has voted. Otherwise, we do not feel bound to pass this Finance Bill. We do not accept the responsibility of finding you the money when we have no control over your expenditure. We will not pass this Finance Bill unless we are satisfied that the Budget which you have formulated is a right Budget which entails an additional taxation for which you want this House to commit itself.’

I ask you, if you were Members of the Council of State instead of being Members of this Assembly, would that be an unnatural course to adopt? Suppose for the sake of argument that the powers conferred upon this House under section 67 (a) of the Government of India Act were the powers conferred upon the Council of State, and suppose, for the sake of argument, that the Council of State had passed this Budget and you had the power under the Act of passing a Bill consequential upon the passing of the Budget, can you say, Sir, that the Members of this House would not be within their rights to say :

‘ We do not wish to pass nor are we justified in passing a measure the necessity of which has not been disclosed to us.’

And would that not lead to the discussion of the whole Budget over again? It may be, that it may lead indirectly to the discussion of the Budget, but what difference is there between a direct and an indirect discussion when the ultimate object to be achieved is the passing of a Finance Bill? And would this House ever commit itself to an enhanced taxation if it is not given power to go to the constituents and say :

‘ We have passed this additional taxation because we saw the necessity of it.’

But if the tax-payers were to be told that you were blindfolded as regards the necessity of the Budget, but you were merely concerned in passing the consequential measure, would not the constituents say :

'You had no business to pass a measure which you are not prepared to justify before the constituents.'

Now, I submit, that may not occur in every case, but at the same time I venture to think, that it is an attitude of mind which this House would certainly adopt if the position had been reversed. What guarantee have we, that the Members of the Council of State would not utilise the opportunity that you give them of taking them into your confidence on the subject by a joint committee for the purpose of facilitating the passage of the Finance Bill? This is a question which, I think, requires serious consideration. This is the first Budget of its kind and this is the first Finance Bill of its kind. We have no precedents and, because we have no precedents, we must be extremely careful to see that we do not create a bad one. If once this House decides that the Council of State have the power to chop, twist and turn the Finance Bill according to its pleasure, we shall be relegating our sole responsibility by taking the Council of State into our confidence upon a measure upon which the Act of the Legislature vests this Assembly with sole and undivided authority. I submit, Sir, this question should not be lightly treated. It is a question of grave constitutional law and one upon which this House should deliberate before committing itself to the proposal of the Honourable the Finance Member.

Another thing that I wish to bring to the notice of Honourable Members and of the Government in this connection is, that if it is once conceded that all Money Bills which form an integral item of our annual Budget are to go as a matter of legal obligation to the Members of the Council of State, we shall have completely to re-write section 67 (a) of the Government of India Act and the provision which underlies it. Even if the clause 'except as otherwise provided' did not exist in article 83 of the Legislative Assembly Manual, I would still contend, that, as a matter of necessary obligation, if section 67 (a) is to be worked in its true spirit, that this Assembly is given the sole right of passing a validating measure. I feel, Sir, that this is a question upon which I am entitled to invite the opinion of this House.

Now, I pass on to the other two questions raised by the Honourable the Finance Member. The first is as regards the economy of time. Now, Sir, I fail to see what economy of time would be effected by appointing a Joint Committee of both the Houses at this stage. May I point out to you, Sir, that, assume that a Joint Committee of both the Houses is appointed here and now. Let me assume for the sake of argument that the Members of the Joint Committee would be unanimously of opinion that this Finance Bill should be passed in all its integrity as drafted by the Government. Even then, I submit, the Bill must be passed first by this House and then by the Council of State or by both the Houses simultaneously. The controversy which centres round this Finance Bill may be postponed but it cannot be materially delayed. The controversy which centres round this Bill, I submit, may be relegated to a week or two weeks, but the main question underlying the constitutional rights of this House and of the other House must be debated both in this Assembly and in the Council of State. How is there then going to be economy of time? And, I would ask you, Sir, that after the Select Committee returns its report, what is the procedure?

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Let me read it to you. I invite your attention to page 27 of this Manual. It says: 'After the presentation of the final Report of a Select Committee on a Bill, the Member in charge may move that the Bill as reported by the Select Committee be taken into consideration.' I shall leave out the rest of it, because it is a procedure that the Bill as reported by the Select Committee be recommitted either without limitation or with respect to particular clauses or amendments only or with instructions to the Select Committee to make some particular or additional provision in the Bill, or that the Bill as reported by the Select Committee be re-circulated for the purpose of obtaining further opinion thereon.

Now, I beg to ask, that assuming for the sake of argument that this is a plain-sailing Bill and that the Members of the Joint Committee unanimously vote that this Finance Bill without any amendment, out of the innumerable amendments of which notices have been given and which have been circulated to Honourable Members, be passed, we have still to consider this question in the two open Houses, and there again the question which I am raising before you here to-day would be considered by the Members of both the Houses, and, unless this question is settled once for all, the economy of time for which the Honourable the Finance Member pleads is not likely, I submit, to be materially affected.

One word more, Sir, and I have done. It is perfectly true, that the Government of India Act as well as the rules framed under that Act do not expressly provide for the passage of a consequential validating measure by this House as the House having limited monetary control over the finances of the Government of India. It is equally true that the general provisions relating to legislation provide that a measure of legislation should be passed by both the Chambers. But there is a principle which lawyers know and which is a cardinal principle of the interpretation of Statutes. That principle is *specialia generalibus derogant*, that where a special power has been conferred upon a particular body, that body must of necessity possess that power to the exclusion of any general power or to the detriment of any general provision applicable limiting that power. Now, I submit, the general provision relating to the passage of legislative measures generally cannot, I submit, derogate from the special powers which this Assembly possesses under an express provision of the Government of India Act. I, therefore, submit, that appealing to first principles, and apart from the statutory provision contained in the Government of India Act or in the rules framed thereunder, I would still say that if there was nothing expressly curtailing and limiting the power of this House, this measure should be the sole concern of this Assembly.

Lastly, Sir, I submit, it was pointed out, if I remember aright, by Lord Selbourne's Parliamentary Committee that the procedure of the House of Commons was as far as possible to be followed in the conduct of business of this House. I cannot for a moment bring myself to believe that the controversy which was raging in 1909 and 1910, when, I believe, Sir, you were a Member of the House of Commons, a controversy which settled once for all the right of the Members of the House of Commons to pass a Money Bill which could not be challenged by the other House, was not before the Members of the Joint Parliamentary Committee; and, I think, that this question must have occurred to the Members of the Joint Parliamentary Committee when

they drafted what is now to be read as section 67A of the Government of India Act. It will be remembered that the Montagu-Chelmsford Report wanted to constitute the Council of State as an independent revising chamber, and it is a well-known fact that it is no longer an independent revising chamber. Consequently its powers which were defined by the Montagu-Chelmsford Report have been much curtailed by the subsequent legislation, and I think, Sir, in this connection it must have occurred to the astute lawyers who sat on the Joint Parliamentary Committee that this question regarding a Money Bill must of necessity arise in the Legislative Assembly which had been clothed with the sole power of passing the Budget and voting thereupon.

I, therefore, think, Sir, that the Joint Parliamentary Committee must have thought that the power to vote on the Budget, a power which could only be exercised by the Legislative Assembly, if it has also the power of giving effect to its volition, that this Budget shall become for the time being the working Budget of the Government of India. And how is it possible, that if we are to determine that certain taxation shall be levied upon the country, we should ask somebody else who is not responsible for the levy of taxation to join and concur with us in the levy of that taxation, when he has taken no part whatever in our deliberations for the purpose of determining its propriety? I submit, therefore, Sir, that the Members of the Council of State would feel somewhat awkward having to pass a measure of a purely fiscal character for the purpose of legalising the levy of taxation, the propriety of which is not open to that House to discuss. I feel that even on the ground of expediency, therefore, even on the ground of propriety, Members of that House may justly complain that they cannot be made party to a measure of legislation for which this House and this House alone should be responsible. These are questions which I ask the Honourable the Law Member and the Honourable the Finance Member to seriously consider; and, before a precedent is created, let us be sure that our power in respect of the Budget is open to revision by the other House; and unless this House is prepared to admit that its power of passing the Budget can be revised, supervised and controlled by the other House, this House, I submit, must not yield readily to the proposal which has just been moved.

**Mr. T. V. Seshagiri Ayyar :** Sir, upon the constitutional question just now raised, I must say, that I do not share the difficulties pointed out by my Honourable friend. Now, if you turn to this section S3, the language is this: 'except as otherwise provided by or under the Act.'

It is not otherwise provided that the Council of State has no power of revision over Money Bills. What is provided is, that the Legislative Assembly has the power to pass the Budget. That is the provision in the Act, not the contrary provision; and, I think, Sir, it is a well known canon of construction, that where power is given to a particular body unless it is expressly taken away, you cannot by implication say that that power has been destroyed. Under those circumstances, having regard to the language of section S3, I am not troubled to the same extent regarding the constitutional point, as my Honourable friend, Dr. Gour.

But, Sir, on the question of expediency and justice, I think the Honourable the Finance Member should not press the Resolution which he has brought forward. Now, Sir, the words which you spoke, not very many hours ago, are still ringing in my ears, that we of this Assembly who have the privilege

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of sitting here should do nothing for which posterity would blame us, should create no precedent which would be resented by posterity and which would be regarded as having enabled anyone to take away the rights which we possess; and, Sir, all of us are anxious that this Assembly should in course of time be as great, as powerful and as efficient as the House of Commons; and, therefore, we should try to see that the powers which have been given to us are not taken away from us. I think, Sir, I had the information from you—I hope I may use that information—that it is not the practice in the Houses of Parliament to constitute joint select committees except in one instance, namely, where the question of codification comes in; that is to say, where there are a large number of Acts that have been passed and the only question is one of redrafting those Acts and consolidating these various Acts into one whole, then only it is the practice of the Houses of Parliament to constitute joint select committees. No doubt, there is a standing joint committee on Indian affairs; that has nothing to do with Bills or with select committees; but the ordinary practice, as I understand, is this, that no Bill which is to be passed by both Houses can be referred or has been referred hitherto to a joint committee consisting of Members of the House of Commons and of the House of Lords. Under these circumstances, the question arises whether there is any reason or ground for departing from the wholesome practice which obtains in England and of instituting a departure by appointing a joint select committee.

Now, Sir, the Honourable the Finance Member told us, that there would be a saving of time. My Honourable friend, Dr. Gour, has pointed out, that there would be no saving of time. I do not think, as a matter of fact, by the procedure which is sought to be adopted, there will be any saving of time. Now, take for example, the case where there is a dissenting minute in the Joint Select Committee, and supposing by virtue of the fact, that the Council of State has an equal voice with us in the deliberations, certain amendments are carried which this Assembly, a majority of it, does not approve of. What would be the result? We will have to reject them; the matter will have to go again before the Council of State; the Council of State may stick to their own opinion; and then there will be a joint session. I do not think there will be any saving of time by the procedure which has been recommended by the Honourable the Finance Member. Now, that is not the only difficulty which this Assembly will be labouring under by acceding to the proposal which the Honourable the Finance Member has suggested. Sir, this Assembly consists of about 146 Members, and the Council of State consists of about 60 Members. Under the Rules, as they stand at present, if a joint committee is appointed, there must be an equal number of Members of both Houses in that committee, that is to say, there will be 10 Members of this Assembly and 10 Members of the Council of State. The result is, that the Council of State will have a voice disproportionate to its strength. Under the rules, as they stand at present, if there is equality of votes, the motion is lost,—I am not quite sure if the President has a casting vote; under these circumstances we will not be acting prudently in acceding to a joint committee. On the other hand, we will be setting a very bad precedent, which posterity will blame us for, by acceding to the proposal that this Bill should go before a Joint Select Committee. Sir, I am not anxious, I have never been anxious, to say that the Council of State has not got as good a voice in regard to legislation as we have, and it is desirable that they should have it, but it will not

mean any disrespect to them if we say that we stick to our rights. We want to have this Bill passed by ourselves, and then we will send it to them. I do not think, the Members of the Council of State will have any reason to complain if we say that we shall not part with our rights, because if we do so posterity will blame us and we ourselves will not be discharging our duty properly to the country. Under these circumstances, Sir, I think the proposal which emanated from the Honourable the Finance Member should not be acceded to by this House.

**Dr. Nandal:** Sir, when I read the provisions of section 68, I find that the courses suggested by the Honourable the Finance Member seem to be provided there. His argument, so far as the number of courses are concerned, is correct, but the question before this House is this, whether one of the courses suggested by the Honourable the Finance Member should be adopted or not. I am sorry I have got to differ from my Honourable friend, Dr. Gour, so far as the interpretation of section 83 is concerned. I think the provision is quite clear. It says :

‘Except as otherwise provided by or under the Act a Bill is not to be deemed to have been passed by the Indian Legislature unless it has been agreed to by both the Chambers, either without amendment . . . or’ :

We may omit the concluding portions. There is the Interpretation Act, and there is a very luminous commentary on the subject of Interpretations. Certain principles are laid down, the gist of those principles in a nut shell is, that the question of convenience is to be given prominent consideration, and that, not only the question of convenience, but the question of the ultimate effect also. If I apply those principles to the interpretation which has been so ably put forward by my Honourable friend, Dr. Gour, then I feel constrained to say, that I differ from him. Therefore, the Bill can only be passed when it has passed through both the Chambers of the Indian Legislature. But there is something in favour of Dr. Gour, though it is not very forcible. When I interpret clearly clause (6) of section 67A, the words are eloquent and they seem, to a certain extent, to support Dr. Gour's views. Now what are those words? ‘The Legislative Assembly may assent or refuse its assent to any demand or may reduce the amount referred to in any demand by a reduction of the whole grant.’ Perhaps some of you may think, that it is beside the point, but I reply at once, that it is not, and you will admit it when you hear the consequential result that I have arrived at. He had probably the conception of a different idea which seems to have been propounded in these two sub-clauses (6) and (7). Then we come to clause (7). That provides as follows :

‘The demand as voted by the Legislative Assembly shall be submitted to the Governor General who shall, if he declares that he is satisfied that any demand which has been refused by the Legislative Assembly is essential to the discharge of his responsibilities as if it had been assented to, be . . . .’

We may omit the concluding lines in order to save the time of this Honourable Assembly. So far as the question of refusing or reducing the demand is concerned, there cannot be the slightest doubt that it is the Legislative Assembly alone which has got full power and competency to decide the matter. If the Legislative Assembly does not assent, that is to say, if it refuses to do so, then there is no other body, much less the Council of State, which has got any power, whatsoever, to vote money for the Government. The Governor General in Council only has got certain powers

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which are embodied in the provision I have already read. My Honourable friend, Dr. Gour, seems to have been induced, by reading the provisions of these two clauses, to think that the other Chamber of the Legislature has no jurisdiction over money Bills.

He is welcome to his way of reading them, but, as I have already submitted, I put forward my very respectful difference of opinion. Therefore, the Bill can be sent to the other Chamber and it is a legitimate course. It is we who have to give assent, it is we who have to refuse assent, and consequently it is we who will be held responsible to the taxpayers and rate-payers. Shall we then allow another body to discuss what we ourselves ought to discuss and examine? We may say at once, that we are not prepared to avail ourselves of the superiority of their opinion. We are satisfied with our own ability, and I think we are competent to determine this point for ourselves. But the Honourable the Finance Member may say, 'Oh! well this is sentimental.' Oh! no, no, Sir! This is not sentimental at all. This is the crucial point. It was stated some time ago, that as a matter of fact, this is the only democratic body. We represent the people. We represent the masses. We are the advocates of the taxpayers, who shall have to be saddled with this monetary responsibility and, therefore, we should not shirk our duty. We shall sit here, we shall spend nights here, days and days, and weeks and weeks and months and months. We shall make the adjoining rooms our dining rooms and some of them sleeping rooms. We shall do our duty because we shall be held responsible to our people. What answer shall we give if we failed in this legitimate duty? Therefore, the suggestion which has been so ably put forward by the Honourable the Finance Member is not acceptable to us, I am sorry to say.

Being as learned as he is, he knows how to put his points very ably. He says, 'Well, I do not mind whether it will take long or be decided soon.' But in his own usually able and eloquent manner, he suggests to us that a good many telegrams have been received purporting to say that commercial people are in great anxiety to hear the result. We thank the Honourable Finance Member for this enlightenment. But we may very respectfully tell him, that we are not in favour of that sort of hurry. We, the representatives of the people, will give greater prominence to quality than to quantity. We shall give prominence to efficiency and not to the bulk of work or to work which is expedited. Expedition is nothing when compared with efficiency. It is the efficiency of the work which is admirable. Expedition has got his own value no doubt, but if a thing is done to-day and to-morrow it has to be amended, then what is the use of spending time over it? So, therefore, efficiency should be preferred to expedition. There is no second opinion on this point, so I shall not dilate on it.

Now, the Honourable Finance Member says, that time will be saved if this course is adopted. Dr. Gour and Mr. Ayyar have very ably dilated upon this question. I think greater time will be spent if we send the whole thing to the other Chamber. Some of the Members of that Chamber will co-operate with some of the Members of this Chamber, and will come to a conclusion. Then, a report will be submitted to us; we shall have to discuss that report, we shall have to go into each and every thing. Then, there will be three different processes. So, there will be no gain in time, but, on the contrary,

there may be loss of time. Therefore, I say, the course suggested in the motion is not advisable. The result which I arrive at and which I put before this House, is briefly this, that this plan should not be adopted, namely, the motion that a Joint Select Committee of both Chambers be constituted and the Bill forwarded for adjudication or determination by that Committee. This does not appeal to me. I, therefore, oppose the motion, so far as this part is concerned, which has been put forward by the Honourable Finance Member.

**Sir P. S. Sivaswamy Aiyer:** Sir, before proceeding to deal with the constitutional question which has been raised by the Honourable Dr. Gour, I should like to address a few remarks which I think the rules permit me to make on the general principles of the Finance Bill. While I do not wish to commit myself in any way to any expression of approval or disapproval of the policy of the Government which has landed them in the necessity for raising an additional taxation of 18 crores, I wish to express my gratification that the Government have not hesitated to resort to raising the tariff. I am wedded to no particular theory of economics. I do not worship at the altar of Free Trade or at the altar of Protection. I worship only at the altar of India. The welfare of India is my first concern, and the welfare of the Empire is the second object of my thoughts. In this connection, I am sure, everyone of us here must have read with feelings of amazement and indignation the attempt which has been made by the meddlesome merchants of Manchester to dictate to us on the question of our taxation policy. We have suffered too long from the meddlesomeness of Manchester, but now that we have got a representative legislature, we shall no longer submit to this dictation and we are determined to make that clear to Manchester. Sir, there is no ground whatever for this easily excited alarm of the Manchester merchants. The Honourable Mr. Hailey has explained in his speech that the duties he has proposed are not of a protective character, but, even if they had been, this House would not on that ground alone have refused to support them. He has clearly explained that they are entirely for revenue purposes. Is there any country in the world which would hesitate to levy import duties for purely revenue purposes? Does England hesitate to levy import duties for revenue purposes? I believe, there is no country in the world which does so.

**Mr. E. L. Price:** Sir, on a point of order, do these remarks arise on the motion we are discussing?

**The Honourable the President:** Order, order. In case there should be any doubt about the matter, Standing Order No. 39 makes it quite clear, that when a motion, such as has been moved by the Honourable the Finance Member, is moved, the principle of the Bill is open to discussion as well as the particular procedure proposed to be adopted.

**Sir P. S. Sivaswamy Aiyer:** Sir, tariffs are generally devised by countries with various objects, not necessarily for the purpose of protection. Very often they are devised for revenue purposes, and one of the best sources of revenue which can be easily manipulated from year to year is the revenue derived from customs. Another argument among many in favour of a tariff duty is, that it gives us a margin for negotiation with other countries in respect of tariffs. It is not, however, necessary for my present purpose to enter at length into the theory of tariffs or into a justification for the imposition of tariff duties. It is sufficient for me to say here, that we do not believe



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in the professions of free trade which Manchester finds it convenient to follow. Manchester very often expresses without any abashment the sense of danger which it feels itself from any proposals for revision of tariffs in the countries with which England may have dealings. Sometimes it utters philanthropic wails over the lot of the poor consumer in India, but we value them no better than we should value crocodile's tears. Now, Sir, I shall only say that it is a preposterous claim, and that if the merchants of Manchester wish to render more acute the situation in India which has been described by certain worthy gentlemen in England as a dangerous situation, I advise them to go on persisting in this policy which they have followed. If they wish to bring about a disruption of the Empire, they have only to pursue this policy. But I hope that Manchester does not represent the enlightened conscience of England or the enlightened public opinion of England any more than the House of Lords represented the enlightened conscience of England on the Punjab affair.

Sir, I regard it as a matter of the happiest augury to this country that His Majesty the King has appointed as our new Viceroy, one who has pledged himself to the pursuit of justice in larger fields than mere courts of law and who has set before himself the watchword of liberty, justice and love. It is a matter of the happiest augury that His Majesty the King-Emperor should have chosen for our Viceroy one who in his person was the embodiment of justice and who was the supreme representative, till a few days ago, of justice in England, and I am convinced that with a Viceroy following that watchword which he has set before himself we need have no misgivings of the success of our cause. Our cause is impregnable, and with a Viceroy like Lord Reading, there is no doubt, whatever, of our victory against Manchester. I have also every confidence that the Government will be firm as a rock upon this question of the import duties.

I now pass on from the question of the general principles of the Bill to the constitutional question which has been raised by Dr. Gour, and I request the House to bear with me a little while I explain the difficulties which present themselves, to my mind in accepting the view which he has so ably put forward. Sir, the question, as it presents itself to my mind, does not raise any such serious constitutional issues as it presents to the minds of some of my Honourable Colleagues here. The proposal for a joint committee of both Houses is not really forbidden by the statute notwithstanding Dr. Gour's opinion to the contrary. I am glad to find myself supported by the Honourable Mr. Seshagiri Ayyar on this point. He has told you, that there is nothing illegal in the reference to a joint committee. The question is really one of convenience or of expediency. Now, under the circumstances of the case, which is the most convenient or expedient course for us to follow? I admit, that the normal, ordinary course in regard to legislative measures is for the House in which a Bill is initiated to carry through the Bill with or without a Select Committee of its own, and then to pass it on to the other Chamber. But the statute does provide for cases where it may be desirable to refer a subject to a joint committee of both Houses. Whether a Bill shall be referred to a joint committee or not is really a mere matter of convenience to be decided upon the merits of each case.

Now, it has been said that we have got the right to grant supplies and that the right to carry through the Finance Bill follows from it as a necessary

corollary. Undoubtedly, the right to grant supplies is vested in the Legislative Assembly under the Government of India Act. But it does not follow from that, that the right or the duty to carry through a Finance Bill, or to initiate and carry through a Finance Bill in exclusion of the Upper House follows as a necessary corollary from that power. Dr. Gour referred to two sections of the Government of India Act. I am sorry to have to trouble the House with a reference to these sections. One of the sections he referred to was section 63 of the Government of India Act which says, 'Except as otherwise provided by or under this Act, a Bill shall not be deemed to have been passed by the Indian Legislature, unless it has been agreed to by both Chambers either without amendment or with such amendments only as may be agreed to by both Chambers.' Dr. Gour laid stress upon the words 'except as otherwise provided by, or under this Act,' and he referred to the language of section 67A, clause (6) as furnishing one such exception.

The language of clause (6) of section 67A is simply this :

'The Legislative Assembly may assent or refuse its assent to any demand or may reduce the amount referred to in any demand by a reduction of the whole grant.'

I can not understand how clause (6) of section 67A can possibly be construed as taking away from the generality of the procedure laid down in section 63, paragraph 2.

We must distinguish here between two processes, the right to grant supplies in the first instance and then the right to find ways and means for raising the necessary funds. Because the first matter is vested in the hands of the Legislative Assembly, it does not follow therefrom that the second matter is necessarily vested in us as an exclusive privilege. It may or may not be. Now, in a matter like this, there is no real analogy between the House of Commons and ourselves. Let me first clear the ground by saying that I am as anxious as Dr. Gour or as Mr. Seshagiri Ayvar or as any of my other friends in this House to preserve the privileges of this House. I am sure, that our worthy President, imperturbable as he looks, is equally jealous of the privileges of this House and I am sure that, even if by our want of experience of Parliamentary procedure, we should perhaps go astray, he will give us a judicious hint as to whether we are in danger of any encroachment upon our constitutional privileges.

Sir, I have come to the examination of this question with a mind fully bent upon upholding the privileges of this House. You need not, therefore, labour under any suspicion that I am disposed to surrender our rights or our privileges. I observed that there was really no analogy between the House of Commons and ourselves for this reason that the House of Commons is governed by an unwritten constitution. The Parliament is governed by a flexible unwritten constitution while we are governed by a rigid written constitution. We have, therefore, to look for our procedure, to look for our authority to the words of the Statute by which we have been brought into existence and not to the procedure of a body which has grown up with ages and whose procedure is governed by precedent, by convention and by tradition. Now, according to the conventions of Parliament, according to the unwritten law which governs Parliament, the House of Lords has no power to interfere with a Money Bill. They cannot amend or alter a Money Bill. That is settled practice. Can you say, that under the Indian Statute that is the position? I can quite understand that you may be very anxious and desirous to bring about the same

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state of things here. I am fully in sympathy with you there, but that can only be accomplished by an amendment of the Statute and not in the manner in which we seek to accomplish it. Supposing the Council of State alters or amends the provisions of the Finance Bill as we pass it and send it to them, can we say that they are legally not entitled to do it or that they can be restrained by a Court by an injunction from doing it, or that they would be acting *ultra vires*? I am sure that you cannot possibly affirm any such proposition. If they amend the Finance Bill, the result will be that the difference of opinion between the two Chambers will have to be settled by one or other of the means provided for in the Statute, namely, either by negotiation between that House and this or by a joint sitting. Those are the two methods for the solution of any *impasse* which may be created by reason of a difference of opinion between the two Chambers. I am aware, that the functions of the Upper House were conceived as those of a revising Chamber at the time that the Bill was under consideration by the Joint Select Committee of the House of Commons. Now, what they meant by the expression 'revising Chamber' was, that the Upper House was not intended to exercise the functions of the House of Lords which, with its enormous number of peers, has attempted to exercise, namely, the function of obstruction and opposition to the wishes of the people. There they do not confine themselves to the functions of a revising Chamber. The object of the Joint Select Committee and of the framers of the Act in conceiving the Council of State as a revising Chamber was this. They did not wish to set up a body which could hold out in opposition to the more popular Chamber for any length of time. That was the reason why they cut down their numbers to 60 and fixed our number at more than double their strength, so that, if it came to a question of a joint sitting, we should be in a position to outvote them. The only function, therefore, which under the constitution they can usefully and profitably perform is to revise the form and language of the Statutes which may be passed or to induce us to bestow more reflection or attention upon a measure which we might have passed inadvertently. That was the only reason why it was called a revising Chamber; but, as to their exact powers and functions, we must depend upon the words of the Statute. If, on a question of a Money Bill, they differed from us, we have undoubtedly got the power of solving it eventually in a manner in accord with the wishes of this Chamber which is the more popular Chamber, because, when it comes to a question of a joint sitting, we shall be in a position to outvote them and to enforce our views. But that is the only solution which the Statute provides. We are not entitled to tell them 'You have no right to meddle with the terms of the Finance Bill we have sent you. You must keep your hands off. We sent it to you merely as a matter of form. You have simply to give your assent to it'. That, I think, is not the position which under this Statute we are entitled to take. Whether you cannot get the Statute amended is another matter with regard to which I express no opinion at variance with the wishes of any other Members in this Assembly.

Sir, if we cast about for an analogy to our Assembly I should suggest our going to the Colonies, to the self-governing Dominions. Some of these have got constitutions which provide for an Upper and a Lower House, very often the Upper House consisting only of nominees as in New Zealand.

Where the Upper House consists only of nominated Members, it has been laid down by the Privy Council that the nominated Upper House brought into existence, as it was with the same powers as the Upper House in England, could not meddle with a Money Bill. But here we have to deal, not with a nominated Upper House, but with an elected Upper House, a House selected no doubt on a narrower franchise by a more limited electorate, but still an elected House. I am not aware that in the absence of any statutory restriction, such an Upper House is disentitled to deal with Money Bills. If you turn to the South Africa Union Act, you will find that there are express provisions there which prevent the Senate from going into Money Bills. I may refer you to the language of that statute. There it is said in section 60, that Bills appropriating revenue or monies or imposing taxation shall originate only in the House of Assembly, but a Bill shall not be taken to appropriate revenue or monies or impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties. The Senate there (that is, the Upper House) may not amend any Bills so far as they impose taxation or appropriate revenue or monies for the services of the Government. The Senate may not amend any Bill so as to increase any proposed charges or burden on the people. Any Bill which appropriates revenues or monies for the ordinary annual services of the Government shall deal only with such appropriation, and so on. Therefore, we have an express provision made disabling the Senate from interfering with Money Bills. Now, Sir, the real question is, is it a matter of convenience to have it settled with the machinery of a Joint Committee? Or even supposing that it is convenient, are there any predominant considerations *per contra* which should induce us to reject this course, however convenient it may be? Though I am not of the sterner stuff of my friend and neighbour, Bhai Man Singh, who will himself seek the Himalayan heights for recuperation, but will not sanction expenditure to make Delhi comfortable, I am not so ease-loving as not to be prepared to sacrifice my convenience if I thought that the interests of my country or the privileges of this House were in jeopardy. But I do not feel convinced of that. As a matter of convenience, if we now agree to the appointment of a joint committee we shall be able to have a round-table talk with the representatives of the other House. If they do not agree to our proposals, if they propose something to which we cannot agree, nobody says that this House is bound by any conclusions arrived at in this Committee. But I take it that we are all reasonable men, and that we have got sufficient discretion to choose men on the Committee who will act reasonably, who know what our wishes will be, who know what the wishes of the country will be, and who will frame their proposals in such a way as to commend them to the House and to the country at large. If we cannot place any trust in any committee, then the whole procedure for appointment of a committee may well be abolished. But we do resort to this procedure because we know from experience that it does save time. Now, if it goes through a joint committee, the committee will have an opportunity of hearing representations or objections from Members of both Houses, and to so frame its proposals as to meet these objections as far as they can. Therefore, *primâ facie*, it would render the passage of the Bill easier in both Houses. But suppose you do not agree, what will follow? First of all, we must remember the provisions of the Provisional Collection of Taxes Act. That Act provides that unless we pass a Bill within one month from the date on which the announcement was made by the Finance Minister it will cease to have effect and the Government cannot continue collecting taxes. I do not know whether

[ Sir P. S. Sivaswamy Aiyer.]

I have made myself sufficiently clear about this Act. It is that when a Bill is introduced into the Indian Legislative Council by a Member of the Executive Council of the Governor General and such Bill provides for the imposition or variation of any tax in the nature of customs or excise duties, and there is inserted therein a declaration that it is expedient in the public interest that the Bill should have temporary effect under the provisions of this Act, the Bill shall for the period limited by this section and subject to the provisions of this Act have effect from the date of its introduction as if it were an Act of the Governor General in Council: Provided that the Bill shall cease to have such effect if it is rejected by the Council or is not passed into law within thirty days from the date of its introduction. Now, that is one inconvenient result which will follow. Let us leave that point alone. Let us suppose that we are not troubled with the inconvenience which will follow from the Act ceasing to have effect. What we shall have to do if we reject this proposal is this. We first appoint a select committee and then thresh out the provisions of the Bill. Let us take it that it will take, say three or four days. Then it will have to come up before the Assembly, and then we shall have to send it to the Upper House. Seeing that we exhibit such hypersensitive jealousy in this matter, I say it may be taken in the same spirit by the other House. It is not unnatural if the Members of that House also exhibit some sensitiveness on their part. If they act on the principle of exercising their rights of alteration or amendment which the law confers upon them in a somewhat liberal measure, the Bill as it may emerge from the hands of the Council of State may contain a number of amendments and for the purpose of considering those amendments the Bill will have to come back to us and we shall then have to decide whether we should accept the amendments or not. If we are not prepared to accept those amendments, there will have to be a conference or negotiation, and if that fails, there will have to be a joint sitting. How long do you think that the process will last? It will last right into April, and I for one am free to confess that I do not think I shall enjoy Delhi during April. Nor do I think that the Members of this Assembly, coming as they do from long distances and not being as much at large as even myself, will not grudge the amount of time which they may have to give and the long absence from their professions or occupations and from their homes. There is a difference between the procedure in England and here. I have told you already that it is not necessary to refer it to a Joint Select Committee in England; First of all, the Budget is introduced on the 1st of April by the Chancellor of the Exchequer. Then the whole House goes into the Committee of Supply and goes on discussing it at length. Eventually the Finance Bill is passed, sometimes as late as August. For instance, the Finance Act for 1920 was passed on the 2nd of August 1920. But look at the difference in conditions between England and here. Delhi has not got the climate of England. Delhi is not so near to the outlying parts of this continent as England is to Aberdeen or Dublin. There you can go back to your home and come within 24 hours, I take it. But here, we do not sit in the continuous way that the House of Commons sits. We can only give a limited amount of time, and it is not easy for us to tear ourselves away continuously from our homes or occupations and come here. Do you think we shall be able to go on hammering at this Bill in the way that the House of Commons can during a period of say three or four months? If you say that the climate of Delhi and distance of Delhi from the outlying parts of the Empire are of no consequence, that in spite of them,

you are still determined to work during the hot weather and that you can go on with this Finance Bill, by all means do say so. I do not want that Members of this House should follow my cue in this matter. Now let us suppose that we agree to the course that has been suggested. What is the danger that Honourable Members apprehend from following this course? I submit that even if you think that it may constitute an inconvenient and an undesirable precedent, there is a way of avoiding any such consequence. I would suggest to you two solutions. The one is to enter a solemn caveat that without in any way committing ourselves to a similar practice in future years, we shall now refer the Finance Bill for this year to a joint committee. For future years what I would suggest to you, with all respect, is to appoint a committee to consider, in consultation with the Members of Government, the proper way of dealing with the Budget, as to how it should be brought, where it should be brought, in what stages it should be brought, when it may be disposed of, and how the inconveniences to the Exchequer from postponing the passing of the Finance Bill may be obviated. Let the whole question be gone into and some suitable machinery be framed which may be applicable to future years. All that I now appeal to you to do, is not to reject this motion to refer the Bill to a Joint Select Committee, but to accept the motion this year. If you think, that in spite of the plain language of the Statute we shall in any way be compromising our rights, then enter a solemn caveat without in any way committing ourselves to a similar practice in future years. Under the circumstances, I do not think that anybody can contend that you will be compromising your rights in future years. As to the future, of course, it is a matter which would require consideration and very careful consideration both by Government and by the non-official Members of the Assembly. I am sorry, Sir, to have trespassed upon your patience so long, and I beg to assure you again that I am as jealous as any of you of the privileges of this Assembly.

**The Honourable Dr. T. B. Sapru:** Sir, after the very able and lucid exposition of the subject by my Honourable friend, Sir Sivaswamy Aiyer, I do not think it is necessary for me to address the House at any considerable length. The position to-day is, that while Dr. Gour thinks or imagines that there is a point of constitutional law of considerable importance involved, one of his supporters, a retired Judge of a High Court, I refer to my Honourable friend, Mr. Seshagiri Ayyar,—thinks in a different way, though he supports Dr. Gour's proposition on grounds of political expediency. The view taken by a late Advocate General of Madras,—I refer to Sir Sivaswamy Aiyer,—is as strong an exposition of the principle which I am going to submit before you as any one could put before this House. Well, if, however, the difference between two learned lawyers trained in India and a learned lawyer trained in England, I mean Dr. Gour, rested there, I should seriously have been disposed to reconsider the whole position. But I find, that so far as the constitutional question is concerned, an eminent member of the English Bar,—I refer to my Honourable friend, Dr. Nand Lal,—also took the same view as my Honourable friend, Sir Sivaswamy Aiyer has taken. So that, if I were addressing a jury on a question of law and not on a question of fact, I would say, 'here you have a retired Judge of a High Court and a leading member of the Punjab Bar supporting the constitutional view which I am going to ask you to accept as against one solitary member of the English Bar, the ornament of the Central Provinces'. There was, however, one remark in the speech of my Honourable friend, Dr. Gour, with which I am in thorough agreement, and it was that

[ Dr. T. B. Sapru. ]

whatever view may be ultimately accepted by this House, it was absolutely necessary and desirable that we should come to some definite conclusion for our future guidance. I am sure, my Honourable Colleague, Mr. Hailey, made the position of Government quite clear so far as their attitude with regard to this matter is concerned. He, so far as I was able to understand him, put the whole case on the ground of convenience. That case has been reinforced at great length by my Honourable friend, Sir Sivaswamy Aiyer. I, therefore, do not wish to take up the time of the Assembly by referring to considerations of convenience, nor do I wish to refer to considerations of political expediency. I will, therefore, meet some of the points of law which have been raised by my Honourable friend, Dr. Gour, this morning.

Now, the position, to my mind, is, that as a matter of fact there is no point of constitutional law involved in the whole discussion. It is really a point of procedure which is involved. It is on that ground and that ground alone that you have got to give your verdict. I shall not labour the so-called point of constitutional law at any length, but I shall briefly refer you to two or three sections of the Statute.

I will just read out to you section 63 of the Government of India Act, 1 P.M. which deals with the composition of the Indian Legislature. It says :

‘Subject to the provisions of this Act, the Indian Legislature shall consist of the Governor General and two Chambers, namely, the Council of State and the Legislative Assembly.’

Then comes an important clause on which considerable stress was laid by my friend, Dr. Gour, and which I shall try to explain to you in my own way.

‘Except as otherwise provided by or under this Act, a Bill shall not be deemed to have been passed by the Indian Legislature unless it has been agreed to by both Chambers, either without amendments or with such amendments only as may be agreed to by both Chambers.’

Now, I will ask you to assume that these words ‘except as otherwise provided by or under this Act’ did not exist in that clause. I will ask you to assume that only for the time being. Then the rest of the clause would leave no room for doubt that a Bill could not be deemed to have been passed by the Indian Legislature, which is a bi-cameral Legislature, unless both Houses had agreed to that Bill either without amendments or with such amendments as might be agreed to by both the Chambers. Then, what is exactly the significance of these words ‘except as otherwise provided by or under this Act’? How do they modify the substantial portion of that section? I will beg the House to remember one provision of the Act to which no reference has so far been made and which, to my mind, supplies the key to this solution of the difficulty. If you will kindly bear with me for one moment, I will refer you to section 67B of the Government of India Act, which says ‘where either Chamber of the Indian Legislature refuses to introduce or fails to pass in a form recommended by the Governor General any Bill, the Governor General may certify that the passage of the Bill is essential to the safety, protection, or the interests of British India or any part thereof’, and thereupon may do certain things which are specified in the rest of that section. So that the position is this. The ordinary normal way of getting a Bill passed is putting

it before the two Houses and getting the two Houses to consent to that. But it may be that the two Houses may not agree and there may be a serious difficulty in front of the Government. Therefore, to meet an eventuality of this character the law provides, that the Governor General has got certain powers, and when the Governor General exercises those powers under the law, the Bill, although it has not been agreed to by both the Houses, shall have the same force as it would have had if it had been agreed to by both the Houses. That, I submit, Sir, is the meaning and that can be the only meaning of these words 'except as otherwise provided by or under this Act.' Otherwise, these words which are used in that section would be absolutely meaningless. Now, before I proceed further, I will invite your attention to another important section to which, I must in fairness admit, reference was made by Dr. Gour, but at the same time I may say that the full significance of it was not brought out by him in the course of his argument before you. I was referring to section 67A of the Government of India Act. I will just invite your attention to two portions,—rather to 3 sub-clauses of this section. And that, I submit, puts the whole thing beyond all doubt. Section 67A says:

'The estimated (now this clause was not read out to you) the estimated annual expenditure and revenue of the Governor General in Council shall be laid in the form of a statement before both Chambers of the Indian Legislature in each year'.

So that it is compulsory on my Colleague, the Honourable Mr. Hailey, to lay the estimated annual expenditure and revenue of the Governor General before both the Chambers. That has been done. Then, I will invite your attention to clauses (5) and (6) of the same section. Clause 5 says:

'The proposals of the Governor General in Council for the appropriation of revenue or moneys relating to heads of expenditure not specified in the above heads shall be submitted to the vote of the Legislative Assembly in the form of Demands for grant'.

The vote is given to the Assembly and it is required that the proposals shall be placed before the Assembly. That has been done. Then clause (6) says:

'The Legislative Assembly shall assent or refuse its assent to any demand or may reduce the amount referred to in any demand by a reduction of the whole grant'.

That you have been doing during the last week or so. You have given your assent to some, you have withheld your assent from others. You have reduced the grant in regard to certain matters. Then comes clause (7), to which reference was made by my Honourable friend, Dr. Gour. It says:

'Demands as voted by the Legislative Assembly shall be submitted to the Governor General in Council who shall, if he declares that he is satisfied that any demand which has been refused by the Legislative Assembly is essential to the discharge of his responsibilities, act as if it had been assented to, notwithstanding the withholding of such assent or the reduction of the amount referred to therein by the Legislative Assembly.'

Now, the demands as voted by the Legislative Assembly have got to be submitted to the Governor General in Council, and it is open to the Governor General in Council to say that a particular demand which has been refused by the Assembly should, in his opinion, be granted. And, then, if he gives a ruling to that effect, it will have the same effect as it would have had if it had been assented to by the Assembly.

Now these are the various stages. My friend, Dr. Gour, built up an argument on this clause which I have just read out to you and the argument was this. Although there was no express statement to that effect, yet in his opinion sub-clause (7) of section 67A gave rise to a necessary implication to



[ Dr. T. B. Sapru. ]

the effect that you could not refer a Tariff Bill to a Joint Committee of the two Houses, the argument being, that inasmuch as the right of vote is given to this Assembly, you cannot take the representatives of the other House into consultation with you at a time when the Bill is under consideration. Now, it will be admitted by every fair-minded person, that so far as the sitting of a Joint Committee is concerned, it was contemplated by the Statute itself - or say by the rules which have been framed in accordance with the Statute and which have the force of the Statute. Now, if it was really the intention of the Legislature or if it was really the intention of those statesmen who were responsible for this Act, that at no stage should there be a Joint Committee of the two Houses, that the Tariff Bill should be considered and passed by this Assembly alone, one should have expected the Statute to have run in a different manner. On the other hand, what is it that you find? The Bill may be passed here and, quite apart from a Joint Committee, it may be sent to the other House. The other House may make any modifications or amendments; it will then come back to you. Therefore, if it was really intended either that the other House should have nothing to do with the Bill or that the other House *must* proceed independently of you or that you *must* proceed independently of them, why did not the Legislature say so in so many words? The very fact, that there is provision for a Joint Committee, I submit, shows that the Legislature contemplated the possibility, for considerations of convenience suggested to this House, that there might be a sitting of a Joint Committee. Now, here again, what is it you are invited to do? Are you invited really to surrender or abandon any right of your vote in favour of the other House? No, I say emphatically no. What you are invited to do is to ask the other House to select some of its own Members to meet some of the Members of your House, so that they may jointly consider the Bill and after that, you part with each other, and you pass the Bill in your own House and they pass the Bill in their own House. You may make such amendments as you like, and they may make such amendments as they like. The report of the Joint Committee will no more be binding on you than it will be binding on the other House. That being the position, I submit, this fancied question of constitutional law does not, in my humble opinion, arise on the present occasion. I would, therefore, venture to submit, that whatever view you may take of the expediency of the question or of the convenience of the question, I would beg you not to commit yourself to a wrong view of constitutional law. So far as the question of constitutional law is concerned, we must be as jealous about the accuracy of it as we should be jealous about the privileges of our own House.

I do not think, that I shall be justified in taking your time further over any question of law, but there is only one remark which I shall venture to make. I have just been going through the report of the Joint Parliamentary Committee with a view to find as to whether there was anything in that report which lent colour to the view which has been so emphatically put forward before you this morning by my Honourable friend, Dr. Gour. I confess, that I have not been able to find anything there which would lend support to the view which has been put before you by Dr. Gour, and in the matter of construction of a statute, I do not think that it would be right to read between the lines what does not appear on the face of it. Therefore, I will ask you not to surrender yourself to the fear that there is any question of a constitutional character arising in this case, or imagine that you are really abandoning a valued right in favour of the other House. You are doing nothing of that

kind. You will be retaining firmly and strongly that right in your own hands and at the same time securing the convenience of the two Houses by adopting the motion which the Honourable Mr. Hailey has put before you.

**Mr. Eardley Norton :** Mr. President, we have had three learned Doctors, all diagnosing the same disease, and all giving prescriptions which contradict each other. Into the question of law I have no wish to enter, as I propose to found what I have to say upon considerations uninfluenced by any question of law.

Sir, we, I mean this House, are either possessed of sole and exclusive jurisdiction over all Money Bills, or we are not. If we are, this motion is *ultra vires*. If we are not, I hope that we shall begin to ask for it. I look forward to the time, I trust, not in the very far distant future, when this House shall have expanded itself from its present nascent condition into what really will be a House of Commons with sole jurisdiction over taxation. We have to look upon ourselves—we who are to-day something more than merely ephemeral and transient nonentities—we have to regard ourselves as the outpost sentinels of posterity holding the keys of the citadel. If we surrender or retreat, we shall endanger those who are coming after us. Our duty, our interests, and our honour compel us to stand firm. I am implacably opposed to any measure, however slight, which will open the gates for the Council of State to intermeddle with any question affecting money grants. We must remember that this is the first preliminary skirmish which in the years to come will develop into serious pitched battles, and I consider that we should help our successors by refusing to do anything to-day which will in any way or to any degree facilitate the introduction of the Council of State into questions of finance. If we have sole power over Money Bills, then this motion is an invasion by the Council of State upon our premises. If we have not got it, I propose that we shall use every effort to accelerate our right to possess it. Such a request must eventually be complied with. To-day heralds the advent of a fight. Let us meet it like men, not yield an inch of our ground.

I propose, however, to ask this House to reject this motion not upon any constitutional legal footing, but upon quite another ground. The question of convenience, urged at such length, I can only hope is a question which will have little effect with us. I am one of those, and I believe there are many such in this House, who have come up here at great personal inconvenience to ourselves financially. I am not complaining of it. We did it with our eyes open, and if we have chosen to surrender our professional practice, we have no one to blame but ourselves. The solution is easy, we can resign. But as a matter of fact, having come so far, I trust, and there are other Honourable Members in this House who will agree with me, that when the question is put to us of an election between our own convenience and our duty to our constituents and to our principles, the latter shall prevail. Whatever may be the inconvenience to ourselves, when we are confronted with a position such as this, which is merely the thin end of the wedge, we shall, I trust, be resolute, not merely resolute, in our opposition to the motion but resolute, however unwillingly, to postpone and possibly sacrifice our own conveniences to the duty which we owe to the people who have sent us here and to the principles we profess. As I have said, the question is whether we have this plenary and exclusive jurisdiction or not. If we have not,—I do not wish to enter into that

[ Mr. Eardley Norton.]

debate—if we have not, I ask this House to begin to claim it and begin to claim it with no uncertain voice from to-day. Let us from to-day be adamant in our decision that we shall not offer any facilities of any sort which shall hereafter permit the Council of State, by any concession on our part, however diagnosed, to have a voice in the question of Money Bills. There is no need, Sir, to refer this matter to a Joint Committee. If you want a committee, there is abundance of financial and commercial ability in this House whose assistance is at our disposal. I do not for a moment wish to suggest that we embody all exclusive ability, financial and commercial, in ourselves. I gladly and readily admit, that there are men in the other House whose experience and opinions would be of great service to us, on any general question outside finance. But, on the question of money grants and the question of ways and means, I do ask this House to be strenuous and inflexible in its attitude of resistance and to reject this motion. Let me point to one serious objection to a Joint Committee. We of this House number 146 and the other House numbers about 60. Under the provisions of the rules in force, if we sanction a Joint Committee, we shall meet upon that committee, not in proportion to our respective numbers, but on a footing of numerical equality. I strongly protest against that, against all that it implies, against all to what it must lead. Why should the Council of State which has only 60 Members enjoy an equal voice on a division with a House which represents very nearly three times the number of the Council of State?

I should like to point out another very serious matter, Sir. Supposing this House brings forward on a Joint Committee a proposition, take it broadly, on a matter of taxation, and that matter is debated and the Joint Committee divides upon it; if the votes are equal, this House loses its proposed taxation, because under the rules on an equality of votes on a division, the negative is to prevail. I venture to suggest that we shall be betraying our duty and our trust to those for whom we sit, if we permit at this early stage in the history of our own evolution an interference of that sort. If the Government wants assistance, it can find within the walls of this Assembly. I do not myself personally believe that a reference to a Joint Committee will in any way expedite matters. I believe on the contrary that it will prolong discussion without effecting any useful purpose. I feel perfectly certain—and we have to look forward through the veil of the future far beyond even to-day—that we should be acting wrongly and unfaithfully if we countenance association with the Council of State on matters of ways and means. That Council—if it elects to deal with the Finance Bill—will deal with it according to its lights. The Bill may be returned to us with amendments with which we disagree. We shall return the Bill. If the other Chamber persists, then in the event of a division between the two Houses, matters will eventually come to a deadlock and both Houses will ultimately have to meet in a full session.

Now, Sir, the framers of our Constitution, I presume intentionally, have supplied us with a complete and formidable engine of resistance against the other House on these money questions. We are the preponderating House in numbers, and if we meet them in a joint session we can beat them, and I propose that we shall. If they will not give way to this House on questions of finance, very well, we will meet them in a full session of both Houses and, being armed with our constitutional majority, we shall be in a position to carry out our views in spite of all opposition. Why should we sacrifice that advantage

now? Why should we abandon it or why should we allow such a power as this to be frittered away? I hope that the Members of this House will see what all this is leading to—I do not mean on the part or on the intention of Government. It will lead year by year to a larger claim being put forward by the Council of State, to a larger abandonment of our own responsibilities and of our own trusts, and to a larger surrender of privileges which, if we do not possess them in their entirety at present, I am satisfied this House will possess within an appreciable period. Therefore, I do ask you to stand fast as well in the protection of your own interests as in the vindication of claims which by the common consent of civilised communities should belong to those with whom rests the responsibility of taxation. Even the Act, quoted by Sir Sivaswamy Aiyer, which creates the Council in South Africa shows that the trend of all modern politics is to vest the sole jurisdiction in money affairs in the democratic House. If South Africa under British tutelage asserts and enforces that claim, why should India abate one iota of a kindred right? Let us assent to nothing to-day which to-morrow may delay or embarrass our successors. If we accept this motion, we will be relaxing, it may be only fractionally, but still by a dangerous fraction, our hold upon the public purse. And the Members of this House know that what they are struggling for is this hold. At present we have place without power, and there never will be power until we get complete control of the purse. If we abate our right to insist upon keeping these preserves to ourselves, we shall be yielding the outpost to the invader. Let us be wise and faithful and strong. Let us at the first scent of battle gather our forces and men and hereafter stand united and determined to abandon nothing, to concede nothing what shall impede our right to control the taxation of the country ourselves.

I, therefore, ask you to reject this motion.

**Mr. Wali Mohamed Hussanally :** Sir, I move that the question be now put. (Cries of 'No, No'.)

**Chaudhuri Shahab-ud-Din :** Sir, the question now before the House having been discussed by eminent lawyers like Dr. Gour, the Honourable Dr. Tej Bahadur Sapru, Sir Sivaswamy Aiyer, Mr. Eardley Norton and Mr. Seshagiri Ayyar, it is perhaps too much on my part to place before the House a few observations which might appear to be quite novel.

Sir, I, as a lawyer, do not think that rule 101, that is, the rule which permits the formation of a Joint Select Committee, is constitutionally consistent with the Government of India Act. According to my light, the rule is *ultra vires* and inconsistent with the Government of India Act. Wherever that Act intended to provide a joint meeting of the two Chambers it has made express provision for it. Sir, I beg to refer to sub-section (3), section 67 of the Government of India Act. That sub-section provides :

'If any Bill which has been passed by one Chamber is not, within six months after the passage of the Bill by that Chamber, passed by the other Chamber either without amendments or with such amendments as may be agreed to by the two Chambers, the Governor General may in his discretion refer the matter for decision to a joint sitting of both Chambers :

Provided that standing orders made under this section may provide for meetings of Members of both Chambers appointed for the purpose, in order to discuss any difference of opinion which has arisen between the two Chambers.'

Now, it is quite clear that there are two contingencies in which joint meetings might be held. The first contingency arises when for six months

[Chaudhuri Shahab-ud-Din.]

a Bill has not been passed by one of the Chambers, and the *second*, where a difference of opinion has arisen between the two Chambers.

[At this point, an Honourable Member (Babu B. P. Singh) stepped between the Chair and Chaudhuri Shahab-ud-Din.)

**The Honourable the President:** Order, order. The Honourable Member is committing the same Parliamentary crime that I drew attention to yesterday.

**Chaudhuri Shahab-ud-Din:** Thus there are these two express provisions for joint meetings either of the whole Legislature or of a few Members appointed by each House. I conclude from this, that this rule (rule 101) for Joint Select Committees is an innovation which goes beyond and against the express provisions of the Act. Had the framers of the Act intended that Joint Select Committees should be held they would not have failed to express their intention when they had made that express provision in section 67 (3) about joint meetings to be held on the occurrence of contingencies mentioned in the Act itself.

Sir, there are some other objections as well which arise in this connection. Let me assume for the sake of argument that a Joint Select Committee is formed and that that Joint Select Committee has submitted its report. Where would that report go? Would it be placed before this House or before the other House or before both Houses. These are the only three possible courses and there is no fourth which I can conceive of. Now I take the first case, *i.e.*, when the Select Committee's Report is placed before this House for consideration. This House will then be considering, what? Not a report submitted to it by its own Members but by persons who are not responsible to it and who are not its Members. I mean those Members of the Joint Select Committee who do not belong to this House. Again, the same may be said about the Council of State. When considering that Select Committee's Report, they will not be considering the Report of a Committee appointed by them or of a Committee which is responsible to them but of a Committee only a few Members of which are responsible to them. When I read the opening words of section 67, it becomes still clearer to my mind that the framers of the Act never intended that there should be any Joint Committees for any purpose excepting the two which are expressly enumerated and mentioned in the Act.

Section 67 opens thus :

'Provision may be made by rules under this Act for regulating the course of business and the preservation of order in the Chambers, etc.'

And the last two lines of the opening paragraph of the same section run as follows :

'And the rules may provide for the number of Members required to constitute a quorum, and for prohibiting or regulating the asking of questions on, and the discussion of, any subject specified in the rules.'

Now, these words do not suggest that the framer of rules could make provision even for Joint Select Committees, especially when that subject has been expressly dealt with by the framers of the Act themselves in sub-section (3) of the same section.

Sir, the next question which presents itself is the equality of numbers of both the Houses who will, if rule 101 is not *ultra vires*, constitute the Joint

Select Committee. This has already been pointed out by the Honourable Mr. Eardley Norton.

It does not require any juristic arguments to show that on the very face of it, it is preposterous, that a House which consists of more than 140 Members should contribute half the number, that is, 10 delegates or representatives, while a House which has got only 60 Members should delegate the same number of Members. That, Sir, to my mind, is so very shocking to common-sense, that it carries its own refutation with it, especially in view of the provisions of section 67 (3) of the Government of India Act, when the Legislature has not made the invidious differentiation of equalising the numbers when any measure is to be discussed by both Houses, why should such a differentiation be made by rule 101 when a select committee is to be constituted for considering the provisions of any Bill and reporting upon it. In my opinion, therefore, the rule relating to the equality of numbers is inconsistent with the express provision of the Act. It is clear from what I have said that the framers of the Act had in their minds two cases, one of which would arise when for six months it has not been possible for the one or the other House to pass a Bill in that House. It was in view of this contingency that provision was made authorising the Governor General to intervene and to call for a joint meeting of both the Houses. The object does not appear to be that an important measure, like the Finance Bill, should be rushed through a select committee containing ten representatives of *each* House who may consider it and finally place their report before either or both Houses. Sir, the Finance Bill is a very important measure; it has very far-reaching consequences, and this House has devoted, if I may be permitted to say it, about three weeks on discussing its basic provisions. Now, on the foundation thus laid, a superstructure is to be built. We are told 'Well, there are other masons as well; they are as skilful as you are; will you take them with you in the construction work?' Sir, we refuse the offer very respectfully; we will be responsible for the construction; be it good or be it bad, we take the responsibility. It is said, that the Bill has ultimately to go before the other House. Well, let that House reject or accept it when it goes to it. Let them propose amendments if they please. There appears to be some confusion on one point. With the permission of the House I would like to clear up. Some Honourable Members appear to be under the impression that unless a Bill passed by one House is accepted in its entirety by the other House or unless the amendments proposed by the other House are accepted in entirety by the original House, the measure does not become at all effective. This is not the case. Reading section 63 of the Act, I find 'Except as otherwise provided under this Act a Bill shall not be deemed to have been passed by the Indian legislature unless it has been agreed to by both Chambers, either without amendment or with such amendments only as may be agreed to by both Chambers.' Then, further on, a provision is made in section 67 (3)—I have read it already—for making up differences if there are any. Now, if one House is negligent, contumacious or stubborn enough not to pass a certain Bill which the Governor General wants it to pass, provision is made giving the Governor General certain powers. He can refer the Bill to a joint meeting of both the Houses. Provision is also made in section 67 (2) of the Act that in case of emergency the Act as passed by one House will be given the force of law by the Governor General; in which case the Governor General will submit it to Parliament, and the Act shall not have operative force until His Majesty's assent has been received. In the face

[Chandhuri Shahab-ud-Din.]

of all these salutary and wholesome provisions where is the necessity of rushing this measure through? Why appoint a Joint Select Committee? Let the measure be referred to a select committee of this House and let it submit its report; and when the Bill is finally passed let it be placed before the other House. If that House is not willing to accept the Bill as passed or proposes certain amendments, we shall be only too delighted to consider them if they are reasonable and acceptable. Suppose a period of six months elapses. The Bill is a very important one; it is a financial measure and cannot be delayed. Section 67 (3) of the Act presupposes cases where Bills may remain pending for six months or more. If this Bill is not passed by the other House before six months, what will happen? After it is passed by this House, the Governor General—I submit—has got the power to sign it as a measure of emergency and thus give it legal force. I am not prepared to take as participators in my privileges those who are not sharers in my responsibility. Why should they share the rights and not the duty. They should wait. When our Bill comes before them, they can say what they like. With these remarks, Sir, I oppose the motion of the Honourable the Finance Member.

**Sir Frank Carter:** Sir, I look on this thing from a business point of view. I am a business man, and I wish to see this Finance Bill considered in a business way and by the best business men. We must remember that there are men in the Council of State, members of very prominent Chambers of Commerce in this country whom we want to assist us to discuss this Bill. They are men who are cognisant of taxes, duties, surcharges and such like; and it is desirable, I think, in the best interests of the country, that before this Bill is passed, we should obtain their opinions. I wish to preserve the privileges of this House as much as anybody, and I do not think by supporting this motion for a joint select committee to examine this Bill that I am taking away from these privileges at all. I am not a lawyer, and I am afraid I cannot argue with my friend, Dr. Gour; but I cannot see from a layman's point of view that there is anything in the Montagu-Chelmsford Report or in the India Act which excludes a Finance Bill from the procedure necessary for every other Bill. As regards the question of precedent, which was mentioned by some Honourable Members, we should be a poor lot, I think, if because we adopt a certain policy at one session we must necessarily go on adopting that policy at all other sessions.

**Mr. Jamnadas Dwarkadas:** I wonder, Sir, if the intervention of a layman at this stage, especially after eminent lawyers and learned doctors have waxed eloquent on this subject, can be of any assistance in coming to a decision on this important question. But it seems to me, and I am sure my friends the lawyers will also grant this, that laymen as we are, we cannot be said to be devoid of common sense which I think is the common property of sensible men. I do not for a moment, I may say clearly at the outset, see any difficulty in accepting the motion that has been brought forward by the Honourable the Finance Member. So far as the constitutional objection raised by Dr. Gour is concerned, I think his supporter, my Honourable friend, Mr. Seshagiri Ayyar, himself, and Sir Sivaswamy Aiyer and also the Honourable the Law Member have dealt with it completely and have proved conclusively that that objection cannot hold water in the slightest degree. The fact does remain, that in accordance with the sections of the Government of India Act, the power is vested in the Council of State to deal

with this piece of legislation, namely, the Finance Bill, as much as with other pieces of legislation that arise in the Indian Legislature ; that there is no distinction made between the power that is vested in the Legislative Assembly, where other legislation is concerned, and this particular legislation. It was pointed out, that that distinction does exist in the House of Commons and in the House of Lords, that the House of Lords has no power to move amendments and to send them on to the lower Chamber, that the House of Lords can only accept, and not reject a Money Bill and can do no more (Voices : ' Cannot reject'). But that distinction does exist in the House of Lords and in the House of Commons. Now, I may point out, Sir, that, if my memory does not fail me, this distinction which exists in England was pointed out, I believe, to the Secretary of State and to the Joint Committee by various members of the Indian deputations that went to England to give evidence before the Joint Committee. If I am not mistaken, many prominent Indian members insisted that that distinction should also exist in the Indian Legislature, and after a good deal of discussion it was deliberately decided that that distinction should not exist in the Indian Legislature, that so far as the powers of the Council of State were concerned, they should remain the same both in the case of other legislation as in the case of the Finance Bill. So I take it for granted that Dr. Gour's contention that by the constitution of the Government of India Act, that power does not vest in the Council of State, falls entirely to the ground.

Sir, I was greatly relieved by my Honourable friend, Mr. Eardley Norton, getting up and telling us that he would not discuss the question from the point of view of a lawyer and he placed certain objections against accepting the motion of the Honourable the Finance Member from the point of view of one who valued the privileges of this popular Assembly and who was anxious not to part with one inch of the power that is vested in this Assembly in regard to control over finance. I fail to understand how my Honourable friend, Mr. Eardley Norton, takes it into his head, if I may be permitted to say so, to believe that by acceding to the motion of the Honourable the Finance Member we are giving up an inch of the power that is vested in us. After all, what are we doing ? We are appointing a joint committee of the two Houses, but we are not giving away all our powers to this joint committee, we are not giving them all the authority that we have of discussing and coming to a decision on this question of the Finance Bill ; we are not giving away any of our powers. We are appointing this committee with a view to deliberate upon the question of the Finance Bill in a better manner when it comes to us again after it has been shaped and reshaped by the joint deliberation of the committee of the two Houses. It is for facilitating our further discussion and decision on the Finance Bill that we are appointing this committee for the purpose of re-shaping the Bill in the light of the opinions that have been expressed here in the course of the Budget discussions by the Members of this Assembly. Now, sir, it was my Honourable friends, Mr. Eardley Norton and Chaudhuri Shahab-ud-Din, who pointed out that we should not part with an inch of the power that is vested in us, that we should be sanguine of deciding the question of finance ourselves. I think I have proved conclusively that we are not giving away, we are not parting with an inch of the power that is vested in us. I want the Members of this Assembly to remember that the Bill is going to come to us again for discussion and deliberation after it has been re-shaped by the joint committee of the Council of State and the Legislative Assembly, and



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when it comes back to us again, we have the power, as we have now also, to move amendments again, and to press for our amendments, and the Assembly shall decide to include our amendments in the Bill before it goes to the Council of State for further discussion. Now, Sir, are we diffident about our own powers of insisting on our rights of including our amendments in the Bill when it comes to us for discussion again if we happen to disagree with the conclusions that may have been arrived at by the deliberations of the Joint Committee? Shall we not have the power of persuading the Assembly to accept our amendments when the Bill comes to us here again for discussion? Have we no confidence in our own powers to nullify the doings of the Joint Committee if we find that our representatives on the Joint Committee have not been true to us? I think, Sir, we have certainly the necessary powers in this respect. And, then, when we have nullified the doings,—I take the extreme case as an illustration,—when we have nullified the doings of the Joint Committee, when the whole House as a body unanimously has nullified the doings of the Joint Committee, and when the re-shaped Bill goes to the Council of State, the Council of State will have either to accede to the suggestion made by us or will have to risk the decision to be arrived at at a joint session.

Now, Sir, the whole of this House or a very substantial majority of this House holds a particular view with regard to the Finance Bill. Are we not in sufficient numbers to overpower the number of Members that will come to the joint session from the Council of State. If, however, there are Members of this Assembly, a large number of them, who will side with the Members of the Council of State, then it will not be the fault of the Joint Committee. It will be the weakness of our own case. I submit, Sir, that there is not the slightest need to be afraid that we shall be losing anything by referring the matter to a Joint Committee of the two Houses.

An objection was raised by my friend, Mr. Eardley Norton, and also by my friend, Chaudhuri Shahab-ud-Din, as to the numbers that should represent this House and the Council of State on the Joint Committee. Why, they said, should there be an equal number? Now, I ask you to consider the process that will come into existence for the time being. Ten Members of this House and ten Members of the other House sit together to consider the Finance Bill. If there is a likelihood of the ten Members of the Council of State taking one view and holding to their view obstinately, it will be open to the ten Members of the Assembly, if they take the opposite view, to say: 'You may take this view now. You may probably get this view included in the Finance Bill that has to be sent to the Legislative Assembly. But take care, if you thus oppose us and obstruct our work here, we shall persuade the Assembly to reject the suggestions that you have made.' Certainly the ten Members have the power to say that, with the result that the Members of the Council of State will always be anxious to adapt themselves to the views of the Members of the Legislative Assembly. We can always hold this pistol against the heads of the Members of the Council of State. If you do not adapt yourselves to our view, then we have the power by the strength of numbers to persuade the Legislative Assembly to reject all the suggestions that you have made. We have all these powers in our hands. And, as a matter of fact, instead of doing harm to us, to have an equal number from the Council of State and to bring them round to our view will be a great help to us inasmuch as these ten Members in the Council of State will be a tower

of strength to us in supporting our view in that House. I say, Sir, that from all points of view, it appears to me that we shall not be losing any power that we possess in acceding to the motion for the appointment of a Joint Committee and I think we shall gain a good deal. It will show a lack of confidence in our own powers of arriving at the decision to which we want to arrive, if we threw out this motion for a Joint Committee.

I have nothing more to add but I do feel that as business men—and I am sure this House is composed of men of business—we shall be acting wisely in acceding to this motion and I am sure, that if we accede to this motion, we shall not be doing any injury to the privileges of this House.

**Mr. A. V. V. Aiyar:** Sir, with your permission, I rise to make one point clear to the House with reference to this discussion. I invite the attention of this House to the latter part of clause (6) of the Bill introduced on the 1st March. It declared that it is expedient in the public interest that this Bill should have temporary effect under the provisions of the Provisional Collection of Taxes Act, 1918. The precise effect of that declaration is, that the increased customs tariff rates are being collected from the 1st March 1921, the day on which the Bill was introduced in this Assembly. If the Bill is not passed into law before the end of this month, the result will be that the money which we are collecting will have to be refunded and we estimate this amount to be about 70 lakhs of rupees. I only wanted to explain this point.

The Assembly then adjourned for Lunch till Three of the Clock.

The Assembly re-assembled after Lunch at Three of the Clock. The Honourable the President was in the Chair.

**The Honourable Mr. W. M. Hailey:** Sir, in my opening speech I endeavoured to make it clear that the interests of Government in this matter were simply the expedition of business and nothing more. Sir Sivaswamy Aiyer further pointed out that under the provisions of the Provisional Collection of Taxes Act, unless we get through the legislation in regard to the tariffs within a month, we should be losing a good deal of money, and my friend, Mr. Aiyar, has given the House an idea of the amount, namely, 70 lakhs. That is a sum of money which, I am sure, the House, if it approves of our tariff provisions, would be very unwilling to lose. There will be no compensating advantage since the money has already been collected and would have to be returned. As I said before, although I have put forward this motion honestly in the belief, that it would lead to the expedition of business, I have no further interest in the matter. The Government is not, in any way, necessarily wedded to this course rather than to any other course; as far as we are concerned, it is a matter of procedure rather than of substance. The discussion on my proposal has, however, taken a turn which on behalf of Government I must beg leave to deprecate; I think that neither the interests of this House nor of the country at large are in any way served by attacks on the powers of the other House. The constitution of the Legislature into two Houses has been given to us by Parliament, and it can only be modified by Parliament. I am unwilling, Sir, that by remaining silent longer, and by refraining from such action as is in my power to terminate these discussions, I should lend myself to the charge that Government is prepared to stand by and allow those attacks to continue. I shall not enter into the controversial point regarding the powers of the other House in regard to taxation. It is perfectly clear to me at all events, and I fancy to the House, that the

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objection on constitutional grounds raised by Dr. Gour is perfectly dead, and I shall not seek to heap stones upon its tomb. But in a case of this sort, Sir, where a large number of the Members in the House feel deeply on one side, rightly or wrongly, on what they deem to be a question of principle, while other Members of the House hold the opposite view on a question of expediency, I fancy that it is wise on our part to give way to those who express themselves on the question of principle rather than hold merely to the question of expediency. In one case you have to meet a deep-seated feeling, the frustration of which may mean subsequent resentment and friction; in the other case you have merely to run the risk of adopting a course of action which may involve delay or inconvenience. In this view, therefore, Sir, in order that discussion of a type which I have ventured to deprecate may come to a close and also that we may be free from any further chance of friction on the constitutional aspect of the case, I propose to ask you, Sir, to allow me to amend my original motion and to ask 'that the Bill be taken into consideration by the House on a date to be specified,' namely, to-morrow. I cannot pretend, Sir, that I myself consider that this is the most expedient course, but I believe, that in the circumstances it is the wisest one for me to put before the House.

The motion was, by leave of the Assembly, withdrawn.

**The Honourable the President :** The question is :

'That to-morrow, the 18th of March, this Assembly do take into consideration the Bill further to amend the Indian Tariff Act, 1894, the Indian Post Office Act, 1898, the Indian Income-tax Act, 1918, and the Super-tax Act, 1920, and to amend the Freight (Railway and Inland Steam-vessel) Tax Act, 1917.'

The motion was adopted.

**The Honourable Mr. W. M. Hailey :** I hope I may be allowed your indulgence, Sir, to make one further proposal, and that is, that I think that many of the Members of this House, under the belief that this motion would be carried and that the Bill would come before a Joint Committee, have deferred putting in amendments. If there be any such, Sir, I hope that you will so far waive the rules of the House as to allow them to put in their amendments to-day, in order that they may be considered to-morrow and on the subsequent days of the discussion.

**Mr. Mahmood Schamnad Sahib Bahadur :** I propose, Sir, that the Bill may be taken into consideration to-day.

**The Honourable the President :** The House has just decided to take the Bill into consideration to-morrow.

In reply to the point raised by the Honourable the Finance Member, I may say, that the Chair will meet the convenience of the House in that matter.

## THE INDIAN FACTORIES (AMENDMENT) BILL.

**The Honourable Sir Thomas Holland :** I move, Sir :

'That this Assembly do recommend to the Council of State that the Bill further to amend the Indian Factories Act, 1911, be referred to a Joint Committee of this Assembly and of the Council of State and that the Joint Committee do consist of 12 Members.'

I may say that Members of this House will believe me when I say, that in moving a motion of the sort in a formula similar to that which has been dealt with this morning, that I am not in any way, I hope, showing disrespect either to the opinions or decision, or to an unfinished discussion of the House. I take it for granted, that the matter that was discussed this morning dealt purely with the financial rights of this House, and that there was no intention so far of extending the principle to other questions. We, in the Government of India, who have been associated intimately with the stage of incubation of the Reforms Scheme, have got into the habit by long practice of thinking that it is our duty to pay the greatest respect to the decisions of the Legislature and I, therefore, hope that Members will understand, that in moving this Resolution, I am not, I hope, either consciously or unconsciously, trespassing on any principle that is dear to the Members of the House.

Honourable Members will remember that I was permitted by this Assembly to introduce on the 1st of this month a Bill to amend the Indian Factories Act of 1911. The principal features of the Bill have previously received the approval of this House and also of the Council of State. These principles were put before both Houses in the form of Resolutions recommending the ratification of the Washington Labour Conventions and recommendations. Into this Bill, however, we have introduced some additional features as the result of experience in working the old Act and in consequence of the advice offered by Local Governments and by industrial bodies affected. These, we suggest, should now be critically examined in detail by a Joint Select Committee before they are placed before the Assembly for further consideration. Some of these points I mentioned on the 1st of March, and I will now direct your attention very briefly to some additional features which seem to be suitable for preliminary examination by a Committee. One feature that I did not mention before was the question of protecting the health and safety of workers by introducing, in addition to the regulations already in force, a further provision for controlling the artificial humidification of factories, and we are also suggesting measures for protecting the factory worker by placing on the employer the responsibility for ensuring the safety of factory buildings. The question also of providing a weekly day of rest as regularly as possible in continuous processes is one that will require very careful examination and drafting in order to safeguard the workers without unnecessarily handicapping the industry. As the two Houses are in general agreement on the main principles so far discussed, it seems desirable to save time by working out these details in a Joint Committee, in order that the finished products may be submitted afterwards for the separate consideration of the Assembly and of the Council of State. These are my reasons, therefore, for proposing to this Assembly that we refer to the Council of State our suggestion for the appointment of a Joint Committee consisting of 12 Members.

**Sir Logie Watson:** I am of opinion, Sir, that it is highly desirable to refer this important matter to a Joint Committee and that this Committee should consist of Members of the Council of State and of this Assembly. Unfortunately, there are comparatively few Members of this Honourable Assembly who are business men, and I think it is necessary on this account that we should bring in other business men from the Council of State to help us in our deliberations when considering this Bill.

**Mr. N. M. Joshi:** Sir, I rise to support the motion put forward by the Honourable Member for Industry. And in doing so I would like to make

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a few remarks regarding the principles involved in this Bill. The first point upon which I would like to make some remarks is about the extension of the application of the Factories Act. This Act is intended to apply to factories that employ twenty men and more and which work with some power. I should have very much liked that the Bill should have been made applicable to all factories whether they work with power or not. It seems to me rather strange that Government should propose to give power to Local Governments to apply the Factories Act to factories working with ten persons or more, whether they work with power or not while they retain the condition of working with power in the case of factories employing twenty persons and more. It seems to me to be rather anomalous, and when the Bill comes before the Committee, I hope they will consider it very carefully.

The second point on which I would like to speak is the provisions as regards sanitary and safety arrangements. I should have very much liked that these provisions had been made in more detail than they are in the Bill before us. We all know that in India the Factory Inspectors have very little knowledge of either sanitation or safety. I am quite sure, that no exception will be taken to my statement ; although it was stated on the side of the Government one day that these Factory Inspectors possessed some technical knowledge. Unfortunately Government never said what that technical knowledge was. Under these circumstances, I should have very much liked that the sanitary provisions and the provisions for safety had been made in more detail than what they are to-day. I should have also liked that some provisions had been inserted for seeing that these factories are put in good buildings, properly ventilated and not uncomfortable. There is no provision in the Bill to ensure this fact at all. As a matter of fact, I have seen several factories in Bombay which are conducted under roofs of corrugated iron sheets and which are therefore very uncomfortable.

Then, Sir, I would like to make a few remarks about the hours of work which have been fixed according to this Bill. This Bill proposes that the factories should work 60 hours a week ; I should have very much liked, as I said in this Assembly before, that besides putting a limit on the weekly hours, we should have also a lower limit for the day's work than is proposed in this Bill. The Bill proposes that the day's work should be limited to 12 hours. Personally, I feel that this limit is too long and that it ought not to be allowed to continue. At present the factories do work for 12 hours, and I do not know what improvement we propose to make by putting the 12 hours limit in this Bill. Putting this limit will enable some factory owners to go on with the work of the factory for five days in the week and they may give a holiday for the other two days. But many Members may not know that when factories work for five days in a week it is not in the interests of the employees themselves ; the employers find it inconvenient and unprofitable to themselves that they should work for all the days of the week ; many factories work for four days or five days a week in this way. I would suggest to the Select Committee to look into this matter very carefully and reduce the limit for the day's work.

Sir, as regards the number of hours for a week, I would also suggest that the Committee should carefully consider whether they can reduce the hours from 60 to a lower limit or not. I have expressed my opinion in regard to this matter in this Assembly that our industries will not suffer anything if we

still lower down the limit of the hours of work, and I hope that the committee will consider the question carefully and will come to the same conclusion. The limit which it is proposed to put in the present Bill, namely, 60 hours, is the limit which many workers have already got in this country by their strikes, and I think they will not get any benefit by our factory legislation. On the contrary, you will only lead the people into the belief that it is better for them to rely on their strikes than rely upon Government to do them any good. I would therefore suggest, that a serious effort should be made to lower this limit.

Then, Sir, I would like to make one or two observations on the overtime which is allowed under the Bill which is before us. The Bill proposes to give power to Local Governments to allow factories to work overtime. Unfortunately there is no limit to the hours for which this overtime should be allowed. If the Government gives permission to certain factories, they may work even 13 or 14 hours a day. I think this is a serious defect in the Bill and a fixed limit should be put down for the time allowed as overtime. Then, Sir, this Bill also gives power to Local Governments to exempt certain factories, like factories on tea plantations, coffee plantations and indigo plantations. Personally, I do not see why these exemptions should be allowed at all, and I would like the Select Committee to go into this question also very carefully.

Then, there is another question about which I would like to say a few words, and it is this, that the penalties which have been prescribed for breach of law are in certain cases very inadequate. The Bill before us proposes, that if an employer commits a breach of this law he may be fined up to Rs. 1,000. I would like this Assembly to remember that when the factory owners make a breach of this law they make sometimes a thousand rupees a day, and if they go on breaking the law for a month they make Rs. 30,000; they will not mind paying Rs. 1,000 at all as penalty. I would, therefore, suggest that if this law is to be useful at all, the penalty which is to be imposed upon the employers should be quite adequate, and more than that proposed in this Bill. But unfortunately while the Bill proposes such an inadequate penalty for the employers, it proposes at the same time that a child who breaks the law in the matter of an age certificate should be punished with a fine of Rs. 50. Now, how is a child who breaks the law, sometimes consciously and sometimes unconsciously, to pay a fine of Rs. 50 I do not know; I do not know why a child should be singled out for a punishment of a fine of Rs. 50 while the employer who possesses sometime lakhs and sometimes crores should be allowed to go off with only Rs. 1,000, when by breaking the law he is able to make lakhs of rupees.

Sir, I do not wish to take up the time of this House on this question any longer as the Bill is going to the Select Committee. I have made these remarks so that the Select Committee when it considers this Bill should take them into consideration.

**Mr. A. B. Latthe :** Sir, there is one point with regard to this Bill on which I think I ought to make a few remarks before it is committed to a Select Committee. One of the main principles of this Bill is, that boys of certain prescribed age should not be made to work for more than six hours in a factory. Now, when we make a provision like that in the law, it is very necessary that some provision should also be made to see that during the remainder of the day the boys who are employed in these factories make the

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best use of the time and devote at least part of the time to education. As Honourable Members may remember, when the Factory Bill was under consideration before the Legislative Council in 1911, this question was raised and a proposal was made to the Council to make the education of these half-timers compulsory.

But for various reasons that proposal was rejected. At the same time, however, the Member in charge of the Bill assured the House that the question would be considered and it was suggested that some provision might be made requiring the managers of factories to see that the boys who are employed as half-timers produced certificates to the effect that they attend some registered or recognised school. The House might also remember that a similar provision is also made in Japan, and the law in Japan requires that before a boy becomes eligible for employment in a factory he must bring a certificate to the effect that he has attended for a certain period a recognised school. But the condition of things in Japan and in India is somewhat different, because education there is compulsory, while it is not so here; but I think there can be no objection to provide in this Bill that these half-timers should produce a certificate to the effect that they do attend a school or that they have attended a school for a certain period before the factory manager is authorised to employ them. I think this question ought to be considered by the Select Committee. Unless some such provision is made, the very purpose for which a limit is placed on the time during which a boy can be made to work in a factory, is defeated. He may work in the mill for the stated period, but during the rest of the day he may employ himself elsewhere or waste his time and his education will entirely suffer. I am told that even the mill owners and factory owners find that the labourers in India do not develop into skilled labourers as they do in the west, and the chief reason why they do not develop into skilled labourers is that they have not got the grounding of elementary education. I think this evil could be remedied to a certain extent by embodying a provision in the Bill on the lines I have suggested.

**Lala Girdharilal Agarwala :** Sir, I am as much interested in labourers as in capitalists. There is one question which has to be borne in mind, and it is this. The cost of production in the Indian factories should not be increased by this legislation to such an extent that we Indians may not be able to compete with the foreign goods which are imported into this country and which are sold even at present at a much lower price than the cost of our production. I submit, Sir, there are many things which require consideration. One thing which is laid down in the proposed Bill is, that when on any one day in the year 20 persons are employed in any factory, it would come under the provisions of the Factories Act. I submit, that there are occasions, for example, for putting up a chupper in a factory, sometimes more than 20 or 25 men are required. Then, from the mere fact, that more than 25 men have been employed for that particular purpose, the factory will come under the provisions of the Indian Factories Act. I submit, that the Select Committee, if appointed, should take this fact into consideration and clear the ambiguity in this respect, and my suggestion is, that not less than 25 persons, working for one year, on an average should be adopted as a basis for bringing the factory under the provisions of the Factories Act.

Now with regard to the provision of giving an option to the Local Governments to apply the provisions of the Act to factories which employ only

10 men, I submit, it would be very injurious to the country. With regard to the limit of working hours, I submit, that in India labourers as a class do not work continuously as they do in other countries. Here sometimes they smoke, sometimes they lie down, sometimes they talk and waste time, so that if they are supposed to work for 15 hours, they really work for 10 hours. That is also a matter which should be taken into consideration. As I have already submitted, I am interested in both sides, that is the capitalists and the labourers, and having regard to the welfare of both parties, it is necessary that our cost of production should not become high.

Now, Sir, there is a provision to the effect, that if a boy above 6 years of age is found in a factory, the presumption would be that he has been there for work. I submit, that that is a very injurious provision. Generally workmen in India keep little boys of the ages of 6, 7 or 8 to go home and fetch water or food for them, so that the result would be that a child of 7 would not be able to supply to its parents in the factory if this provision is retained as it is, because the presumption would be against the child as also against the owner of the factory. I submit, these are very unhealthy provisions in the proposed Bill which require very careful consideration.

Now, with regard to the amount of work, there are certain factories in which the labourers are paid not by time but by the amount of work done. So that in those factories where the amount of work done . . . .

**The Honourable Sir Thomas Holland :** I rise to a point of order, Sir. I should like your ruling on the extent to which it is advisable or permissible to go into details in connection with this Bill or to make suggestions in connection with its provisions. I myself do not propose to deal with any arguments to-day except in so far as they bear on the question before us, namely, shall we refer the Bill to a Select Committee. I can assure any Honourable Member that any views expressed to-day or afterwards will certainly come before that committee for consideration, and in view of the fact that we have cut out Rs. 10 lakhs from our stationery and printing Bill, I should like to be as economical as possible.

**The Honourable the President :** It is somewhat difficult to lay down the exact line where the discussion of the principle verges on the discussion of a particular point. I have allowed some latitude in this discussion to-day to which the Honourable Member representing the Government has drawn the attention of the House.

**Lala Girdharilal Agarwala :** I was simply discussing the question of principle and not any question of detail, and my main object is, that we should not increase the cost of production by any artificial means so that we may not be able to compete with foreign goods. In fact, my opinion is, that India should progress towards its manufacture and commerce to such an extent that a day might come when we may be able to sell our machinery including steam engines, aeroplanes and steam-ships in the European markets as the best and the cheapest in the world, and I adhere to that opinion even now. So, I submit, that our legislation should proceed upon such lines that while we may be able to give proper comforts and convenience to our labourers, we should not place any hindrance in the way of capitalists and dissuade them from undertaking commercial enterprises on a large scale.

**Srijut Debi Charan Barua :** Sir, with your permission, I propose to say a few words in regard to the Tea Factories. It is suggested that tea factories



[ Srijut Debi Charan Barua.]

enjoy the worst leave. I believe that is due only to ignorance of the state of the tea factories. Tea factories are quite different from the ordinary factories in this part of India. In tea factories we collect tea leaves on only six days of the week, and tea leaves collected to-day have to be manufactured to-morrow. In tea factories green leaves collected on Saturday have to be manufactured on Sunday, so the people working in the tea factory can have no leave on Sunday. Consequently, they enjoy the weekly holiday on a Monday rather than on a Sunday. From that point of view also, the condition of the tea factories is somewhat different. Sir, it is also to be observed that the manufacture of tea leaves depends upon the state of the weather. They have to be made fit for the purpose of rolling in the machines and for various other processes. Sometimes the leaves are ready for being rolled at the dead of night, and if they are made to stand till the following morning, the whole of the leaves will have to be thrown away because by that time they will be quite useless. So the process of the manufacture is quite different. It was suggested by my Honourable friend, Mr. Joshi, that there should be no exception in the case of tea factories, indigo factories and coffee factories. Of course, I am quite ignorant of indigo factories and coffee factories. Being a tea planter, I can say something of tea only. In tea gardens we do not require 60 hours a week even. We are quite prepared to go on as a matter of fact managing the tea gardens even with 36 hours. If they would come down to that, we are quite prepared to meet them. But we cannot work at any hour and every hour. As regards our manufacture we may have to commence our manufacture even at dead of night and finish the manufacture at 8 or 9 o'clock the following morning. When we have rolled the tea and ground the leaves, then at a particular hour it is suitable to manufacture the tea, and then the labourers will be required. Of course, in tea gardens, we set the task in such a way that it can be finished in the course of six hours even. As I say, we can manage tea gardens with 36 hours. We need not go to 60 hours. As a matter of fact, in a tea garden they rarely work for more than 36 hours a week. It is better that on the Select Committee there should be some people who, knowing that some alteration is still going to be made in the law regarding the manufacture of tea, should be able to show the Committee what is proper and what is necessary. But from the Bill I understand that certain provisions about the fixing of time and the number of hours for the tea gardens, indigo factories and coffee factories will be left alone. But, since these factories have been threatened, it is necessary that some sort of representation should be given on the Select Committee. Of course, I am not quite conversant with other factories that are being conducted in this part of the country, but one thing, I may be permitted to suggest, namely, that, instead of making a 10-hour day or a 12-hour day, an 11-hour day may be made, so that for the five days in the week they may work for 55 hours and on Saturday, the last day of the week, enjoy a half holiday. That will make labour sweet and at the same time make the factories alluring to labourers. Of course, I have not much experience of these matters and so I beg to suggest, if any more provisions are going to be altered in respect of tea factories, that adequate representation should be had on the Select Committee.

**Mr. A. D. Pickford:** Sir, I seem always to be finding myself in friendly antagonism to the views of Mr. Joshi. I think, speaking quite generally—I understand that this is what is required at this stage.—speaking quite

generally, I think the fault that lies in his suggestions is the fault that is so common to those who take up the cause of labour now-a-days. They forget that, if the capitalist is ruined, there will be no work for the labourer. They forget also what I had occasion to say in my former argument with him, that the best argument that can be produced for the proper treatment of labour by capitalists or by employers in this country is the fact that it pays the employer. I can only presume that Mr. Joshi in desiring that the hours of labour shall be still further reduced, is profiting by experience which he may have had perhaps in a Delhi curio shop, when it is necessary to offer 8 annas for an article for which one is eventually prepared to pay one rupee—‘making a bazar,’ I believe, is the phrase for it. With regard to tea gardens and the like and the powers that are to be reserved to Local Governments, surely that is a reasonable provision. The circumstances of these so-called factories, though hardly deserving the name of factories in the circumstances of those specialised industries, vary so very much that, unless powers are given to Local Governments to provide for special provisions to deal with these special conditions, great injustice will be done. Now, with regard to the point raised by Mr. Latthe, I do join issue very strongly. Whose duty is it to educate the children of the country? Primarily surely the parents. Secondly, under the principle that has been accepted of late years, the State’s. Never, so far as I know, the employers.’

Any such provision would be merely taking advantage of the desire of the employer to employ boys in his factory or children in his factory, to make him do something which it is not in the least his duty to do. Everybody will be in agreement as to the desirability of children being taught in spare time. For is not that the point that underlay Sir Alexander Murray’s objection to Government’s action, extraordinary action if I may say so, in putting up the children’s statutory age beyond a point that had been considered desirable at the Washington Convention. Sir Alexander Murray made the point perfectly clear, that it is no use driving people out of a factory, unless you are going to make some adequate arrangements for occupying their spare time. We cannot turn them all into boy scouts, but I am quite sure that every employer will support any proposal that is made by the Government or the parents or the general public for providing schools or other occupation wherein these children can be occupied. But it is no part of an employer’s duty. It may be it may pay him to assist in such education, but it is not his duty.

**Mr. Manmohandas Ramji :** Sir, I fully endorse the views expressed by my friend Mr. Pickford. What I say is this, that in our zeal to better the conditions of the workmen we should not go to a pitch that would hamper industries. As for the education of children, I quite agree with him that it is impossible for a factory owner to make an attempt of that nature any further. In Bombay that experiment was tried. Many mills started schools, but these young people would not attend them. They would while away their time outside the factory, and therefore the schools had to be closed. That is our experience in Bombay, and, unless the Government make primary education compulsory, no attempt will be effective.

In regard to the question of the reduction of hours of work, I am not going to say anything now, but on the question of fixing the age of half-timers, a big jump has been attempted, that is, from 9 years to 12 years. I may submit, Sir, that these children are sent to the factories to earn something

[Mr. Manmohandas Ramji.]

in order to help their parents in maintaining them. If they are prohibited from working up to 12 years, the result will be that a poor father or mother will have to maintain their child for three years more, and the question is, whether the condition of these poor people will permit of their helping us to carry out this measure. I say that it will be hard lines upon these poor people to be called upon at once to maintain their children for three years more. As it is, after nine years a child is allowed to contribute to his own maintenance, but under the proposed system, he will have to depend upon his father for another three years more.

**Mr. K. G. Bagde:** Sir, I am not going to speak much on this motion. I know that the Honourable Mover, Sir Thomas Holland, is taking great interest in furthering the cause of Indian labour. But, I think, it is my duty to offer a suggestion. This morning we have heard from one of the Honourable Members of this House that the other House chiefly consists of men of business and commercial men; I mean, they are mostly employers. The factory legislation aims chiefly at improving the lot of labour. We know that capital has been for a long time organised, and it has sufficient knowledge to guard its own interests. Unfortunately, labour has always been ignorant and unorganised. I am sorry that I cannot enjoy the enviable position of my friend Mr. Agarwalla in being equally inclined to both interests, that is, capital and labour. I do say that great protective measures are necessary to protect the interests of labour. With that end in view, I request the Honourable Mover of this motion that when he comes to make a selection of the members of the Joint Committee from this House, he will be kind enough to see that a sufficient number of men interested in labour is taken on the committee. With these remarks I beg to resume my seat.

**Munshi Mahadeo Prasad:** While supporting the motion before this House, I beg to submit that the committee which is being appointed to-day will take into consideration the condition of the labour in the rural areas. In the United Provinces and Bihar we have got sugar factories and indigo factories which are worked for a limited number of months in the year, and as I understand, the definition of factories as given in the Bill will govern them also. I beg to submit for the consideration of the committee that adequate consideration should be shown to these factories, and the definitions and sections should be so moulded as not to tell upon their encouragement. With these few remarks I beg to support the motion of the Honourable Mover.

**Rai Bahadur Pandit J. L. Bhargava:** Sir, I want to make one suggestion which may require some verbal alteration in the wording of the motion. This motion is, as I understand, moved under paragraph 68, clause 2 of the Manual of Business and Procedure of the Legislative Assembly. That clause requires that a motion may be made recommending that the Bill be committed to a Joint Committee of both Chambers. It does not require that it should be a recommendation to the Council of State. In the Chapter which deals with Resolutions also, there is no provision for making a recommendation to one House or the other. There the recommendation is made to the Governor General in Council.

Here too a simple recommendation should be made that the Bill should be committed to a Joint Committee of both Chambers, and not that there should

be a recommendation to the Council of State. If we look at paragraph 101, there too we find that :

‘ If a Resolution is passed in the originating Chamber recommending that a Bill should be committed to a Joint Committee of both Chambers, a message shall be sent to the other Chamber to inform it of the Resolution and to desire its concurrence in the Resolution.’

So information has merely to be given to the Council of State that such and such a Resolution has been recommended and not that any recommendation has to be made to it.

I hope, therefore, if the Honourable Member approves, he will agree to the necessary alteration being made.

**The Honourable Sir Thomas Holland :** Sir, I think I need not reply to the questions of detail which have been mentioned, but will promise the Members that any suggestions that have been made in the course of this discussion will be laid before the Joint Select Committee if the House to-day decides to grant the appointment of such a Committee.

There are only two points that I need answer as bearing on the immediate motion before us. One is by my friend, Mr. Bagde, who has suggested that the selection of Members for the Joint Committee should be made with due regard to the interests of labour, as well as with regard to the interests of employers. In making suggestions for the approval of the House for the Members of a Select Committee, naturally the Government in drafting a list for the consideration of the House, will take great care to see that, as nearly as possible, every interest is balanced, whether by occupation or by province or by interests. I should not myself like to run the risk of coming before this Assembly with an obviously packed list. I should not like to risk the Bill to that extent. I am perfectly sure that we will do what we possibly can to see that every interest, both provincial and by class, is represented.

The other point, Sir, is not one on which I can give an opinion. It is rather a matter I should suggest for a ruling from the Chair, as to whether it is necessary that we should accept the formula suggested by Mr. Bhargava, namely, to rule out the words ‘ recommended to the Council of State ’. But whatever formula is acceptable to this House, will be acceptable so far as I am concerned. I am only concerned to-day to get the approval of this House to the formation—I will not even use the word ‘ appointment ’—of a Joint Select Committee to consider this Bill.

**Mr. Wali Mohamed Hussanally :** Sir, there is only one point which I should like the Honourable Member to clear up, and that is the request for a Joint Committee in this case. A little while ago there was some discussion here against having a Joint Committee on another Bill. I know, Sir, that those reasons will not necessarily apply in this particular case, but, as a general rule, I think that Joint Committees should be asked for particular reasons, for instance, urgency of the matter. I should like to know if there is any particular urgency in regard to having a Joint Committee in this case. Otherwise, I think the usual course should be adopted of having our own Select Committee.

**The Honourable the President :** The Honourable Sir Thomas Holland, a while ago, gave an adequate explanation of the reasons that prompted Government to move for a Joint Committee in this case. I am not sure if the Honourable Member was here at that time.

**Mr. Wali Mohamed Hussanally :** I am afraid, Sir, the acoustic properties of this Hall require examination.

**The Honourable the President :** In relation to the point raised by my Honourable friend Mr. Bhurgava, it is a pure matter of drafting. The formula adopted in the motion standing in the name of the Honourable Sir Thomas Holland is perfectly in order. I may suggest to my Honourable friend that this Assembly cannot order or command the Council of State to do anything. They can only say to the Council of State 'we wish to have a Joint Committee appointed, and we recommend you to meet us half-way in the matter'. The formula chosen is perfectly in order and seems to me reasonable to meet the necessities of the case.

The question is :

'That this Assembly do recommend to the Council of State that the Bill further to amend the Indian Factories Act, 1911, be referred to a Joint Committee of this Assembly and of the Council of State, and that the Joint Committee do consist of 12 Members.'

The motion was adopted.

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### THE INDIAN LIMITATION (AMENDMENT) BILL.

**Mr. S. P. O'Donnell :** Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Limitation Act, 1908.

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### THE CALCUTTA UNIVERSITY BILL.

**Mr. H. Sharp :** Sir, I beg to move :

'That the Bill to amend the law relating to the Calcutta University, be taken into consideration.'

At the time of introduction I explained the contents of this simple Bill to the best of my ability. No notice of amendments has been received and no criticisms have been received. I think, therefore, that it is unnecessary for me to make further remarks at this stage.

The motion was adopted.

**Mr. H. Sharp :** Sir, I beg to move that the Bill be passed.

The motion was adopted.

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### THE INDIAN ELECTRICITY (AMENDMENT) BILL.

**The Honourable Sir Thomas Holland :** I beg, Sir, to move for leave to introduce a Bill further to amend the Indian Electricity Act, 1910.

The first general Act regulating the use of electrical energy was passed in 1903 ; and, after seven years of the working of that Act, it was revised and replaced by the present Act. The existing measure has, on the whole, proved fairly satisfactory, but the rate of development of electrical undertakings and the experience gained in the use of electricity, both for lighting and for power during the last ten years, has shown that there exists still certain defects and omissions which require to be remedied. Some of the defects

were first pointed out at a Conference of Electrical Inspectors held at Calcutta in November of 1915. A second conference of Inspectors and Electrical Engineers was held at Calcutta in December 1916 and went further into the matter and urged still some modification of the Act. A third conference was held in May 1918, and also dwelt on the necessity for certain changes. The successive conferences gradually narrowed down the points in which the Act needed revision, and progress towards unanimity was thus developed. The recommendations made by these conferences were reviewed, and the amendments which were considered necessary were drawn up with the assistance of the Electrical Adviser to the Government of India. Before any attempt at drafting a Bill was made, the proposed modifications, with a Statement of the Objects and Reasons, for a new Bill were circulated for the opinion of Local Governments, and, through the Local Governments, for consultation with the principal electrical associations in India and the British Indian Electrical Committee in London.

Most of the Local Governments convened conferences of the interests concerned for a reconsideration of the proposed amendments, and, on the whole, these amendments were very favourably received. The criticisms and opinions received have now been given very careful study and certain additions and modifications have, as a result, been incorporated in the Bill which is now before the House. The decentralisation of the subject of electricity was a feature of the earlier Acts of 1903 and 1910, while the Devolution Act of 1920 has already carried the matter a stage forward, and definitely transferred from the Governor General in Council to the Local Governments certain powers previously held. One matter, however, was reserved, and that is the power to make rules applicable to the country as a whole. At present proposals are under discussion in various parts of the country which may involve a single hydro-electric undertaking branching out into more than one province; and, to meet this contingency amongst other reasons, it seems necessary that we should retain some way by which uniformity in the matter of rules can be preserved. Following the precedent of the old British Act, it is not unusual still to hear of electrical legislation being referred to as if it were a matter of mere electric lighting and the use of electricity for domestic purposes. That hitherto has probably been equally applicable to India. The progress which we look forward to, however, is rather in the direction of industrial power, which in most countries altogether outweighs the purely domestic use of electricity. A start on a fairly large scale has already been made in the Bombay Presidency; and large water-power propositions are being examined in various parts of the country for exploitation for industrial purposes. Where works may hereafter be actually constructed, there can be no doubt as to their beneficial result on the prosperity of the neighbourhood; but the construction of works requires capital, and that depends in no small degree on the confidence of the investor. Unless the investor can be sure that these rules will be relatively uniform and fair, we shall be unable to attract money to take up these hydro-electric propositions. The Bill eases some of the points where the shoe pinches.

The Statement of Objects and Reasons and the separate Notes on Clauses explain fully the specific changes which it is desired to make, and I do not propose at this stage to recount them. I think the House will see that a real

[ Sir Thomas Holland. ]

effort has been made to safeguard the interests both of the consumer and of the supply companies, with the object of encouraging capital to extend the advantages of electric supply as widely as we possibly can with benefit to the consumer. Bearing in mind the importance that long lines for the transmission of power from hydro-electric stations may have on the industrial future of India, we have specially studied the effect of clause 5 of the Bill. It is proposed now to take enhanced powers to deal with obstructions that interfere with overhead lines. If members would like to have what is roughly a parallel illustration, one might mention the early days of the electric tramway, when each passenger insisted on stopping the car wherever he wished to get on or to alight. Progress was so slow that all soon combined to insist on fixed stopping places. So here, each individual who claims the right to obstruct an electric supply line may forget that he has to pay more because of his neighbours acting similarly. We hope, therefore, that this revision of clause 5 will be for the benefit of the people generally. Where the obstruction is on a main transmission line put up under section 51 of the principal Act, all consumers eventually bear the loss involved by the action of the obstructing party.

I might perhaps refer to one other question of change in principle. Under long-standing custom licensees now lay down conditions of supply to their consumers, and these conditions often amount practically to bye-laws. The conditions are, of course, generally desirable, but some of those that now exist are doubtfully in accordance with the law. I am sure that the House will agree that such a practice should not be allowed to continue. Clause 8 of the Bill will permit licensees to issue bye-laws as before, but with the previous approval of the Local Government, and the Local Government will also have the power to cancel what it sanctions if circumstances render such a course desirable.

At present, section 37 of the old Act excludes the operation of the Act from works under the Crown. At present the Act is not binding on the Crown, but we realise the danger to life and property which the provisions of section 37 are intended to guard against may occur just as well in the case of Government installations in cantonments and elsewhere. It is consequently proposed in clause 18 of the Bill to make an addition to section 37 of the old Act, making the rules referred to binding on the Crown as well as on all others. With that brief explanation of the principal points of change in the law that we propose, I recommend that this Assembly give permission for the introduction of the Bill.

The motion was adopted.

**The Honourable Sir Thomas Holland:** Sir, I beg to introduce the Bill.

## THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

**Mr. S. P. O'Donnell:** Sir, I beg to move:

‘That the Bill further to amend the Code of Civil Procedure, 1903, as passed by the Council of State, be taken into consideration.’

The Bill is intended to make a small alteration in the Civil Procedure Code. The Select Committee on the Bill to amend the Provincial Insolvency Act, which became Act V of 1929, recommended that section 55 (4) should be repealed. That sub-section provides for the automatic release of judgment-debtors who merely express their intention to apply to be declared insolvents. It is therefore hardly consistent with the provisions of sections 23 & 31 of the Provincial Insolvency Act. The Local Governments and High Courts who were consulted on the point generally agreed that an amendment of this sub-section was necessary. The Calcutta High Court have, however, pointed out that there are cases under the Presidency Towns Insolvency Act in which it is expedient that the Courts should have the powers conferred by section 55 (4). It is proposed therefore to make it permissive, instead of compulsory, to release a judgment-debtor under the circumstances stated in that sub-section. This will remove an anomaly which the proposal of the Select Committee was intended to meet, and will also provide for special cases in a Presidency-town.

The motion was adopted.

**Mr. S. P. O'Donnell:** I beg to move, Sir, that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

## THE MAINTENANCE ORDERS ENFORCEMENT BILL.

**Mr. S. P. O'Donnell:** Sir, I beg to move :

'That the Bill to facilitate the enforcement in British India of Maintenance Orders made in other parts of His Majesty's Dominions and Protectorates and *vice versa*, as passed by the Council of State, be taken into consideration.'

This Bill follows generally the lines of the Act which was passed in England in 1920 as the result of the recommendations made by the Imperial Conference of 1911. The Imperial Conference recommended that, in order to secure protection for wives deserted by their husbands or for children deserted by their guardians, either in the United Kingdom or any part of the Empire, reciprocal legal provisions should be adopted in the constituent parts of the Empire. The English Act accordingly is intended to facilitate the enforcement of Maintenance Orders made in other parts of the Empire, and section 12 of that Act gives power to extend the provisions of the Act to any part of the Empire which accords similar privileges to the orders of the Indian Courts. It is only in the case of those parts of the Empire which do afford similar recognition that this Act is intended to apply. The detailed provisions of the Bill are explained at some length in the Statement of Objects and Reasons, and I do not think I need trouble the Council with them at this stage.

## MOTION TO REFER THE BILL TO A SELECT COMMITTEE.

**The Honourable Dr. T. B. Sapru:** Sir, I have to move an amendment which runs as follows :

'That the Bill be referred to a Select Committee consisting of Chaudhury Shahab-ud-Din, Mr. Shehajiri Ayyar, Munshi Iswar Saran, Mr. J. N. Mukherjee, Mr. Percival, Mr. O'Donnell, and myself.'



[Dr. T. B. Sapru.]

I move this amendment because the Bill raises some important questions of principle and detail, and, I believe, it will be more desirable that the various provisions of this Bill should be carefully considered in the Select Committee. I need hardly say more, but I do venture to hope that if my motion is carried, it will not be necessary probably to urge any particular amendments relating to the Bill itself on this occasion.

**Sir P. S. Sivaswamy Aiyer:** Sir, in rising to speak on this motion my object is only to support the motion. I have tried to follow the framework of this Bill, and I understand the principles underlying it; but I am not sure that I have been able to follow it quite closely, and I wish to refer to some of the doubts and difficulties I have felt so that they may be dealt with by the Select Committee when it comes before them.

So far as I understand the Bill, it is intended to make reciprocal arrangement for the enforcement of orders for maintenance which may be passed by a foreign Court in the British Dominions and sent up here for enforcement and summary orders which are passed by Courts in India which may be sent up to other countries in the British Dominions for enforcement. Apparently it seems to be confined to summary orders for maintenance of the kind which are passed under the Criminal Procedure Code, section 488. There are, however, other cases where orders for maintenance are passed or rather, to be more accurate, decrees for maintenance are passed in regular suits. If a summary order for maintenance passed by a Magistrate can be sent to a foreign country with the object of securing the benefit of summary execution by the foreign country, *prima facie* it would stand to reason that a decree passed in a regular suit here should be more readily capable of enforcement in the foreign Court, but evidently that is not intended to be the case. Under the Criminal Procedure Code, the maximum limit up to which amounts may be awarded by way of maintenance is only Rs. 50 per month, whereas if a wife sued her husband who had deserted her for maintenance and succeeded in getting a decree for maintenance at the rate of Rs. 500 per month or anything above Rs. 50, it would apparently not be capable of enforcement in a foreign Court. Of course, there is another remedy open to the person who has got the decree, namely, to sue upon this decree in the foreign Court. But it is not quite easy to see why this benefit of summary enforcement should be denied to a person who had gone the length of instituting a regular suit and obtaining a decree against the other party.

Another remark which I wish to make is this. There are persons under the Hindu law other than those referred to in the Criminal Procedure Code who will be entitled to maintenance irrespective of the possession of property by the person against whom the order is sought. For instance, the obligation to maintain aged parents under the Hindu law is a personal matter. It cannot be enforced under the Criminal Procedure Code, but it may be enforced by a regular suit. Whether it would or would not be desirable to make such decrees enforceable in foreign Courts is a matter which seems to deserve some consideration.

Another doubt which has occurred to me is this. I have got only a hazy recollection of the matter. I have been for some time out of touch with

recent decisions. I have a recollection that at one time the English Courts did not recognise the marriages of Hindus in this country on the ground that the personal law permitted polygamy, and that it was contrary to the laws of a Christian country. Whatever may be the theory of the Hindu law, there is no more polygamy at present in India now than there is in England. I do not know whether at the present moment the English Courts would or would not recognise the marriages of Hindus in this country, and whether they would or would not allow a defence set up in answer to a claim for the enforcement of a similar order that the marriage was between two parties whose personal law permitted polygamy. However, as I told you, I have been out of touch with recent decisions, and my recollection is somewhat hazy. However, I wish to draw the attention of the Honourable the Law Member to this matter which occurred to me when I read the Bill. These are the only points which I wish to draw his attention to.

**Babu J. N. Mukherjea :** May I suggest, Sir, that the name of Sir Sivaswamy Aiyer be included in the Select Committee?

**The Honourable the President :** The Honourable Member must speak a little louder.

**Babu J. N. Mukherjea :** May I suggest, Sir, that Sir Sivaswamy Aiyer's name be included in the Select Committee.

*Some voice :* Sir Sivaswamy's name is there already.

**Babu J. N. Mukherjea :** No, Sir, it is not there. I find Mr. Sheshagiri Ayyar's name but not his.

*(A voice :* He is not willing).

**Sir Sivaswamy Aiyer :** I am not willing.

**Babu J. N. Mukherjea :** Well, if he is not willing, there is an end to it.

**Mr. Harchandrai Vishindas :** Sir, I propose that the name of Sir Sivaswamy Aiyer be added.

**The Honourable the President :** Has the Honourable Member the permission of Sir Sivaswamy Aiyer?

**Mr. Harchandrai Vishindas :** No.

**The Honourable the President :** The question is :

'That the Bill be referred to a Select Committee consisting of Chaudhury Shahab-ud-Din, Mr. Sheshagiri Ayyar, Munshi Iswar Saran, Mr. J. N. Mukherjea, Mr. Percival, Mr. O'Donnell, and the Mover be accepted.'

The motion was adopted.

**The Honourable the President :** The original motion therefore falls.

## THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

**Mr. S. P. O'Donnell :** Sir, I beg to move :

'That the Bill further to amend the Code of Civil Procedure 1903 be referred to a Select Committee consisting of the Honourable Dr. T. B. Sapru, Mr. Keith, Sir P. S. Sivaswamy Aiyer, Mr. N. M. Samanth, Munshi Iswar Saran, Sir D. P. Sarbadhikari, Chaudhuri Shahab-ud-Din and myself.'

As the amendments which have been received show, there are questions raised by this Bill, some of them of a rather technical character, which will require very careful examination. It seems desirable therefore that there should be a preliminary examination by a Select Committee before the Bill comes up for final consideration.

**Sir P. S. Sivaswamy Aiyer :** Sir, while I am quite willing to serve on the committee which has been named by the Honourable Mr. O'Donnell, I should like to say that I am not yet prepared to commit myself to the general principle of the Bill. I have read the provisions of the Bill and, while I fully sympathise with the object aimed at, I am not sure that the remedy proposed is the right one, or has the sanction of precedents elsewhere. The object of the Bill is to award what has been termed compensatory costs. I do not know where that expression is taken from. Costs, I thought, were always compensatory. It is proposed to award compensatory costs as against persons who bring suits false to their own knowledge. As a matter of fact, speaking from my experience of over ten years ago, there is hardly a suit in the mofassil in which the defendant does not allege in the very first paragraph of his written statement that the plaintiff's suit is entirely false and fraudulent. This charge is one which is very commonly made by defendants, and I am not at all certain that the number of cases in which false defences, false to the knowledge of the defendants are set up, is in any way less than the number of false and vexatious suits. If a remedy is required, it would seem to be required in the other case also of a false defence. Another remark which occurs to me is this. I have searched the provisions of the Judicature Act. While there is a provision which authorises a Court to stay or dismiss an action on the ground that it is vexatious or false, I do not remember seeing any provision for awarding costs by way of damages or punishment for bringing a false suit, over and above the cost which a person incurs ordinarily when his suit is dismissed. The next point that I wish to refer to is that it is not fair to restrict the right of appeal against this compensatory order for costs to the extent to which it is proposed in the Bill. I merely make these observations to make it clear that I do not wish it to be taken that I have committed myself to an approval of the principle underlying the Bill. At the same time, I retain a perfectly open mind and I am in full sympathy with the objects.

**Lala Girdharilal Agarwala :** I support my Honourable and learned friend Sir Sivaswamy Aiyer, and I submit that the costs really incurred by the parties to the adjudication, whether a plaintiff or defendant, and those costs which are taxed bear no proportion. And I submit that there are cases in which false defences are set up, plaintiffs are harassed from Court to Court and postponements are obtained of the dates of hearing and there

is difficulty in execution. So, I submit that some provision should certainly be made to check such a practice. What is sauce for the goose is sauce for the gander. What is good for the defendant who is unfortunately put into Court without good cause should be equally applicable to plaintiff, and there should be a provision penalising false defences. And I submit that the Committee which is going to be appointed should take these matters into consideration.

**Mr. T. V. Seshagiri Ayyar:** Sir, I had not intended to speak upon this motion, but the doubts that Sir Sivaswamy Aiyer has raised in this connection make it necessary that I should say a few words. I believe that I have in another capacity written a pretty long minute on this question when it was circulated in the Madras High Court. As a matter of fact, there is legislation in England to punish persons who bring false and vexatious suits. In this country also for a long time there has been a provision where an application is made on malicious or vexatious grounds or where an application is brought forward—if I remember the words rightly—without sufficient cause for the attachment of property or arrest of a person before judgment, to award compensation to the person who has moved the Courts on a malicious application. I think I suggested on that occasion—the matter was then before the High Court—that there was a power in the Court relating to the improper and vexatious or illegal arrest of persons, and that it should be extended to suits. If I remember aright, I instanced a case where after a decree, a dozen applications by various persons belonging to the same family had been brought forward who were anxious to see that the person who obtained the decree does not realise the amount. Therefore, it is absolutely necessary that some attempt should be made to put down such vexatious procedure on the part of persons.

I think it is a very wise move and I congratulate the Government upon having adopted it. I entirely agree with the remarks that have been made that it should be referred to a Select Committee. The observations of Sir Sivaswamy Aiyer, who will be a member of the committee, will no doubt be considered by the Committee.

**Rao Baladur T. Rangachariar:** I should like to know whether this Bill was circulated for opinion to the Bar Associations. I do not remember to have received any such in the Madras High Court Vakils' Association. I should like to know, Sir, whether the opinions of the various Bar Associations in the country have been taken. If not, I should like to move that the Bill be circulated for the purpose of eliciting opinion thereon by about the 31st July 1921. This is a very important measure making an innovation, and all that the Honourable Mr. Seshagiri Ayyar referred to was with reference to execution proceedings. This is a vital matter affecting the interests of litigants, and I do not think that it is a matter which should be rushed through like this. It is a novel procedure to be adopted in this country. I know in one case, I think it was in connection with the Sivaganga Zemindary, Sir P. S. Sivaswamy Aiyer argued it,—it was thrown out on that principle although there was no law in the country about vexatious and fraudulent suits. The suit was thrown out on the ground that it was the third or fourth claim which was made on the same cause of action. The Courts have now got power to prevent such suits being brought, that is, in the exercise of

[ Rao Bahadur T. Rangachariar. ]

their inherent jurisdiction which is now vested in them under section 151 of the Civil Procedure Code. Whether you speak for the plaintiff or for the defendant, it seems to be a matter of placing too much power in the hands of Courts. After all, we know the varying fates which judgments get in the hands of the Appellate Courts. Many decrees are reversed in appeal, and many a decree in appeal is reversed on second appeal, and I do not think that such a power should be given lightly to Courts. Then we know also the practice of Courts which are congested, where a sort of mild pressure is brought to bear upon people to compromise even just claims. This will be an instrument in the hands of parties to enforce compromises, and also a power in the hands of the Court to show disposal by adopting this procedure. On the whole, it is a dangerous weapon, and a novel weapon, and I do not think that we should give our assent to this matter to be legislated upon without taking public opinion thereon. I therefore move :

‘ That under Standing Order 39 (2) (b) the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July 1921. ’

**The Honourable the President :** Amendment moved is :

‘ That the Bill be circulated for the purpose of eliciting opinion thereon, such opinion to be presented before the 31st July 1921. ’

**Mr. A. B. Latthe :** Sir, I support the amendment which has been moved by my Honourable friend Mr. Rangachariar. The House will remember that in the Statement of Objects and Reasons it is stated that the provision which is intended to be made is framed on the analogy of a section in the Criminal Procedure Code. But I think it must be obvious to every lawyer that the analogy between the Criminal Procedure and the Civil Procedure is not a very convincing analogy. What may be very necessary in a Criminal Court and what may be a very necessary protection for the accused need not be a necessary protection for a defendant.

Then my learned friend Mr. Seshagiri Ayyar told us that there is a similar provision in the English law and so we may have a similar provision here. But it must be remembered that in England it is not one subordinate Judge who is sitting in judgment in civil cases. They have got the jury system, and the question whether a claim is a false one is decided by the jurors there. In India circumstances are quite different. One individual is called upon to decide whether a claim is an absolutely false and fraudulent claim, and to invest one individual with such powers is, I think, a very dangerous thing. Especially if you look at the Bill, you will find that the safeguards which have been provided for in the Criminal Procedure Code do not find a place there. I think in the circumstances it would be very expedient that the Bill should be circulated for opinion.

**The Honourable Dr. T. B. Sapru :** I may, at the very outset, say that I have no objection to the Bill being circulated for the expression of opinion generally. At the same time, I think it is necessary for me to point

out that the Bill was circulated to Local Governments, and the Local Governments consulted the various High Courts.

I have been reading the opinions expressed by the various High Courts and you will take it from me that the bulk of those who have been consulted were strongly in favour of the principle underlying this Bill. There were some who did not take that view. At the same time, I feel that there will be no harm in circulating the Bill so as to elicit the opinion of the legal profession and the public generally.

There are one or two observations which I should like to make with your permission, Sir. Sir Sivaswamy Aiyer, first of all, asked us to what exactly was the significance of the words 'compensatory costs'. I am sure he remembers that there is a provision to the same effect in the Criminal Procedure Code, I am referring to section 250, Criminal Procedure Code. He will also remember that the provisions of the English Vexatious Suits Act are, if anything, even more drastic than the provisions of this Bill are. I may remind the House that, under the English Vexatious Suits Act, if a person is found habitually to bring false suits, it is open to the Attorney General to move the High Court to, (what would have been described in old days) non-suit him at once. It is a question of policy now to consider as to whether we would like to have any such provision in India. Speaking for myself, with 25 years' experience on the civil side, I can say that the number of false defences as well as false suits arising out of certain matters both under the Hindu and the Muhammadan Law is appalling. I will just illustrate my meaning with reference to a very common class of suits. When a Hindu father has taken a loan, then begin a series of troubles. The creditor brings a suit, and if he is not properly advised, he brings a suit against the father alone. He gets a decree, and when he starts with the execution of the decree, then follow suit after suit by one son or another. All the time the gentleman who is inspiring these suits is the father behind the scene, and what we find is that the son mercilessly attacks the character of the father in order to save the property. I must have, I confess, appeared in hundreds of these suits both for the sons, and also for the fathers. Similarly, what the Hindu son is to the father in such suits, that the Muhammadan wife is to the Muhammadan husband. Once a decree has been obtained against the Muhammadan husband, there is very often a suit filed on behalf of the Muhammadan wife to save the property on the ground that the property had been transferred to her in lieu of dower. Well, I can multiply hundreds of illustrations of this character. Now, the result of this habitual litigation is that our national credit is suffering, and I will tell you from my personal experience that if a Hindu father, who is a member of a joint Hindu family, goes to a Bank to take a loan, the very first question that the Bank ask him is how many sons he has got, and then he is asked what are the purposes for which he takes the loan, and even, when he is apparently satisfied, the banker will not give him a loan for anything less than 9 per cent. and sometimes 12 per cent., while in the case of any other person he may demand only 6 or 7 per cent. So that, from the economic point of view, it is necessary to put a stop to this evil. The question is as to whether this moderate Bill which is being sought to be introduced is likely to meet that evil. Personally speaking, I feel, and feel very strongly, after considerable experience, that it does not go far

[ Dr. T. B. Saprū. ]

enough. Perhaps you may have to have a stronger Bill, but I will not ask the Assembly to commit itself to any definite opinion. I myself am open to conviction, and I am sure that the other Members of the Select Committee will approach this question with an absolutely impartial mind.

**Sir P. S. Sivaswamy Aiyer:** My question was where they get this compensatory costs from?

**The Honourable Dr. T. B. Saprū:** I believe the expression compensatory cost was intended to mark the displeasure of the Court. Probably that phrase has been taken from some Statute but I am not in a position to say where it has been taken from.

As regards the question of the right of appeal, I have no doubt that the Select Committee which will meet when the Bill has been referred to it will give the utmost possible consideration to that matter. As I say, and other lawyers know, it is a very delicate question as to how far an appeal lies against an order or decree awarding cost, and there is a considerable difference of opinion among the High Courts on that question. I am prepared to admit that the question requires very careful consideration, and it is for this reason that I am prepared to accept the amendment moved by my friend, Mr. Rangachariar, and we will see that the Bill is again circulated and opinion is elicited in view of the remarks made by several of the speakers this afternoon.

**Dr. H. S. Gour:** Sir, as the Honourable Mover has accepted the amendment, may I throw out a couple of suggestions to him for the purpose of enlarging the scope of this Bill? The experience of the Honourable the Law Member is also my experience as regards false defences. We have here to deal not only with the crying evil of false suits, but also of false defences and, while in the case under reference the Bill punishes and penalises a plaintiff for instituting a false suit, it makes no provision whatever for a vexatious and false defence. I, therefore, submit that, when the Bill goes back to the country for eliciting the opinion of the public, the Honourable the Law Member may be pleased to order that the opinion of the public may also be obtained as regards the possibility of enlarging the provisions of this Bill so as to cover the various evils from which the litigating public suffer. I would also in this connection wish to add one remark to what has fallen from the Honourable the Law Member. It is perfectly true that under the existing Code a decree for costs as such is not appealable, but in a matter of this kind where a person is penalised in a sum of money paid to another person in what would ultimately be a summary proceeding, recourse to an Appellate Court for the purpose of rectifying an erroneous order passed by the Court below would seem to be justifiable. I submit, therefore, that any compensation paid, whether by way of costs or by way of a solution to the party aggrieved, should invariably be the subject of an appeal. I admit that it might probably prolong a case, but, at the same time, I submit that it is in consonance with the established principle of law that any penalty levied upon a subject should be appealable to the highest tribunal. This is all the more necessary in view of the fact that many cases are tried by stipendiary and honorary judges who have not that capacity and experience as to distinguish between a

case which is not proved and a case which is demonstrably false. Now we know, as a matter of fact—in fact it is one of the things which the judges make free use of—the issue is not proved, therefore, the plaintiff's suit is false, and it seems they confuse what would be called the Scotch verdict of non-proven with what is a false case; and, as there is no provision in the Code of Civil Procedure to distinguish between these two classes of cases, it will often happen that, merely because the judge has found a certain issue against either the plaintiff or the defendant, he characterises the case as false, thereby entailing the penalty which this Bill prescribes. I therefore submit that, in order to prevent, or at any rate to minimise, the abuses which I foresee from the working of this Act, when it is applicable to the whole of British India, some salutary provision, by way of appeal, seems to be indispensable.

Now, Sir, certain speakers have spoken about the advisability of having a measure of this character on the Indian Statute-book. My learned friend, the Honourable the Law Member, has referred to the English Vexatious Proceedings Act. I beg to submit that not only have we precedents in the English law, but our own Statute-law affords sufficient precedents for the purpose of justifying this measure. In addition to what the Honourable Mr. O'Donnell has stated in the Statement of Objects and Reasons, we find in the existing Code of Civil Procedure a provision that, where an attachment has been taken out by a plaintiff against a defendant for a vexatious and frivolous reason, compensation to the extent of one thousand rupees may be decreed by the Court against the plaintiff.

Now that, I submit, is the underlying principle which is enlarged in this measure, and I therefore entirely concur with the aims and objects of the Bill, and I ask the Honourable the Law Member to enlarge its provisions by placing it before the public and asking them whether the abuses which this Bill is intended to check are not otherwise so numerous as to justify its extension and enlargement.

**Mr. Eardley Norton:** May I ask the Honourable the Law Member, if they are not privileged, which way do the opinions of the High Courts of Madras and Bengal, respectively lean?

**The Honourable Dr. T. B. Saprú:** So far as Madras is concerned, I can tell the Honourable Member that, except for two or three judges—I am speaking from recollection—the rest of the judges favour the principle of this Bill, including Mr. Seshagiri Ayyar whose opinion I have read with great profit. So far as Calcutta is concerned, there, too, the opinions of the majority of the judges were in favour of the principle of this Bill.

I believe the Bombay High Court were not in favour of the Bill. So far as the Allahabad High Court is concerned, excepting one Judge, the rest of them were entirely in favour of the provisions of the Bill, but I am speaking only from recollection.

**Mr. J. Chaudhuri:** May I offer a suggestion to the Honourable the Law Member, Sir? What my friend, Dr. Gour said was with regard to false defences. But there are provisions already for awarding exemplary costs against a defendant. There is another question regarding which the Judges



[ Mr. J. Chaudhuri. ]

in England have been complaining of late, and that is that defendants who have no defence put in a written statement for taking time and keeping the plaintiffs out of their money or dues; they put in some pretence or other to put off the claims of the plaintiff; and if my Honourable friend has followed the complaints that are now being made in English Courts and which are very common in this country as well, he may consider whether these abuses may be met by legislation. So my suggestion is that, whenever these practices are resorted to for simply delaying justice, it may not be out of place to provide for them in this Bill.

**Munshi Mahadeo Prasad:** Sir, as I understand the proposed legislation is the result of certain persons obtaining decrees *ex-parte* in different districts from the places where the defendants reside. Those decrees were the subject of investigation by the Criminal Investigation Department a few years ago. After that when a decree was obtained they used to transfer the decree to the place where the defendant used to reside and put it into execution there. After several months the defendant was informed of the fact that a decree was obtained against him *ex-parte* by a certain person. Supposing the defendant lives in Benares and the decree is passed against him in Calcutta, he has to go the whole length from Benares to Calcutta to make inquiries as to the procedure adopted by the plaintiff, the decree-holder. He will have to choose his course of action, whether he files a suit against the decree-holder for a declaration that the decree was obtained against him in that Court by fraudulent means without service of summons, or he applies in the Miscellaneous department to have the decree set aside. Now, Sir, if this law is to be passed, I submit that it will not be of much use to the plaintiff who files the declaration suit of the decree obtained in Calcutta as of no use in Benares. That point will have to be taken into consideration by the Select Committee. I submit that it is a tortuous act to obtain a decree *ex-parte* and under false pretences. If a person has a false case brought against him, he has his remedy in law, to file a suit for compensation against the person who has obtained the decree against him. There might be cases in which a suit is filed for Rs. 50 or Rs. 100; the defence raised is that the suit is false and the Court dismisses the suit for Rs. 50, but awards as compensation Rs. 500 against the plaintiff. Unless we have a right of appeal, I do not think the law will be of much use. There are Courts who have got their own idiosyncracies for compromise, who have their own idiosyncracies preventing right suits to come into Court; that fact should also be taken into consideration. There are Honorary Courts also in several parts of India without any jury in accordance with the English system. That fact also should be taken into consideration in this case. I submit, Sir, that the legislation proposed is welcome to the country, but we must take into consideration all the sides of the question. I beg to submit that the amendment moved by my friend, the Honourable the Law Member, is worthy of much consideration.

**Mr. Harchandrai Vishindas:** I move, Sir, that the question be now put.

The motion was adopted.

The amendment :

‘ That the Bill be circulated for the purpose of eliciting opinion thereon such opinions to be presented before the 31st day of July 1921 ’

was then adopted.

## THE INDIAN PENAL CODE (AMENDMENT) BILL.

**The Honourable the President :** The Assembly will now resume discussion on the motion of Mr. S. P. O'Donnell :

‘ That the Bill further to amend the Indian Penal Code 1860 be taken into consideration. ’

### MOTION TO REFER THE BILL TO A SELECT COMMITTEE.

**The Honourable Dr. T. B. Sapru :** In view, Sir, of the discussion which took place on the last occasion over this Bill and also in view of the various amendments which have been notified by various Honourable Members, I have considered it necessary to send notice of the amendment which I am going to move now :

‘ That the Bill further to amend the Indian Penal Code, 1860, be referred to a Select Committee consisting of Mr. Keith, Mr. O'Donnell, Rai Jadunath Majumdar Bahadur, Mr. J. Chaudhuri, Lala Girdharilal Agarwala, Sir. P. S. Sivaswami Aiyer, Dr. Gour, Mr. Muhammad Hussain Sahib Bahadur and the Mover. ’

I hope it will be realised that it will be a much more satisfactory way of dealing with the various amendments which have been notified to us to take them into consideration at the time the Bill is put before the Select Committee. I need hardly say more in support of the motion.

**Mr. Harchandrai Vishindas :** Have the members consented ?

**The Honourable Dr. T. B. Sapru :** I took the precaution of writing to every one of them and I have got their consent in writing.

**The Honourable the President :** The question is :

‘ That for the words ‘ be taken into consideration ’ the words ‘ be referred to a Select Committee consisting of Mr. Keith, Mr. O'Donnell, Rai Jadunath Majumdar Bahadur, Mr. J. Chaudhuri, Lala Girdharilal Agarwala, Sir P. S. Sivaswami Iyer, Dr. Gour, Mr. Muhammad Hussain Sahib Bahadur and the Mover ’ be substituted in the original motion. ’

**Mr. Amjad Ali :** Sir, the amendment which I move is this :

‘ That the Bill further to amend the Indian Penal Code, 1860, be circulated for the purpose of eliciting opinion thereon by the 30th of March 1921. ’

Now, Sir, 30th March is very near, and I think unless I am permitted to put it later there will not be any use in my moving this amendment. I pray therefore you will permit me to alter it to the 30th of April. If permission is given by the Honourable President I may move my amendment and discuss it.

**The Honourable the President :** The Honourable Member has the permission of the Chair.

**Mr. Amjad Ali :** Sir, of the three courses left to the Honourable Mover in charge of the Bill he has chosen the second one. The law gives him. ....

**Mr. Harchandrai Vishindas :** I rise to a point of order. The Honourable Member gave us to understand that he was going to move the amendment before he spoke; he must tell us what the amendment is. I think that is the proper order you have yourself insisted upon.

**The Honourable the President :** I think the Honourable Member did read it. The difficulty arose when he came to the last words when he found that they would not suit his purpose unless he changed the date. The Honourable Member did read his motion.

**Dr. H. S. Gour :** May I rise to a point of order, Sir? If I understood the position aright, the position is that the Honourable Dr. Sapru's motion to commit the Bill to a Select Committee has been carried.

**The Honourable the President :** Order, Order. The Honourable Dr. Sapru's motion has been substituted for Mr. O'Donnell's original motion, and it is now the main question before the House, to which Mr. Amjad Ali is moving an amendment.

**Mr. Amjad Ali :** My original amendment was that the Bill be circulated for the purpose of eliciting public opinion thereon, but the 30th of March being so close, I sought the permission of the Chair to substitute the 30th of April for the 30th of March, and it was open to the President to give me permission, and in view of that permission I now move my amendment which runs as follows :

‘That the Bill be circulated for the purpose of eliciting opinions thereon by the 30th of April.’

Sir, I am sure the Honourable Member in charge of this Bill will realise that in this sort of legislation it is necessary and important to collect public opinion in the first instance. It should be the paramount duty, I should say, of the Honourable the Law Member being in charge of the very important department to know in the first place the views of the public, and then he is at perfect liberty to move any amendment he pleases. Now, if public opinion is sought on the subject, and if the Honourable Member in charge of the Bill finds that it is against the passing of the Bill, I think the law requires him to move that the Bill be submitted to a Select Committee. Now when a motion that the Bill be circulated for the purpose of eliciting opinions thereon is carried, and the Bill is circulated in accordance with that direction, and the opinions are received thereon, the member in charge, if he wishes to proceed with the Bill thereafter, must move that the Bill be referred to a Select Committee unless the President, in the exercise of his power to suspend the standing order, allow the motion to be made that the Bill be taken into consideration. That course is open to him. I appeal to him therefore in a matter like this instead of choosing this course, he should give the public an opportunity to express their views on the matter. My reason is this. If that opinion received by this Assembly is against the passing of the Bill and if after the receipt of this opinion

from the public the Honourable Mover of this amendment insists upon the Bill being proceeded with, then he is bound under the law to ask for a Select Committee. In that case we will get two very important things, namely, public opinion and the opinion of the Select Committee. Now this Assembly having before it both the views of the public and the views of the Select Committee, will be in a better position to pronounce their well-considered and mature judgment on the subject. I, therefore, see no reason why the Honourable Member should grudge that privilege which has been accorded to the public and to their representatives by law. I, therefore, appeal to the Honourable the Law Member again that before asking the House to vote on his motion, namely to refer the matter to a Select Committee, he may be pleased first of all to accede to my request, namely, that the Bill be circulated for the purpose of eliciting public opinion thereon so that the House may be in a better position and everything may be done on a sound principle and there may be no cause for grumbling in any quarter. I, therefore, suggest that this Bill, and also any other Bills to come in future should be circulated for the purpose of eliciting public opinion, and I hope the Honourable Member in charge will accede to my request.

**The Honourable Dr. T. B. Sapru:** Sir, I do not think it is necessary for me to make any long reply to the pathetic appeal that has been addressed to us in behalf of public opinion by my Honourable friend there. Apparently, my Honourable friend is under the impression that this is a Bill intended to impose certain penalties on the public, whereas the real fact is that it is a Bill intended to remove those penalties. I cannot conceive of any class of men in this country who would be very happy at the prospect of any penalty being retained, and therefore I do not think that the Government would be serving either the public or my Honourable friend's object by circulating the Bill among the public at large. But let me tell the House that before this Bill was taken in hand, the Government consulted the various High Courts, the Judicial Commissioners and all the Local Governments, and it is in response to the bulk of the opinions expressed to the Government that this Bill has been framed. Such amendments as have been suggested by various members here are really intended to make improvements in the Bill, and my Honourable friend is very much mistaken if he thinks that the amendments that have been notified are really in the nature of an opposition to the Bill. It is for that reason that I have considered it necessary from the drafting point of view and from the legal point of view that a Bill of this character should go before a Select Committee. I venture to hope that the sense of the House will be with me and that the House will consider it wholly unnecessary to make any further reference to the country. That is all I have to say, sir.

**Rai Bahadur Pandit J. L. Bhargava:** Sir, I rise to oppose the amendment moved by my Honourable friend Mr. Amjad Ali. This Bill in its nature is quite different from the ordinary Bills. It aims at relaxing the rigour of the existing law and the sooner it is passed the better.

**Mr. Harchandrai Vishindas:** I move that the question be now put.

The motion was adopted

**The Honourable the President:** The question is :

‘That the Bill further to amend the Indian Penal Code, 1860, be circulated for the purpose of eliciting opinion thereon by the 30th of April 1921.’

The motion was negatived.

**The Honourable the President:** The question is :

‘That the Bill further to amend the Indian Penal Code, 1860, be referred to a Select Committee consisting of Mr. Keith, Mr. O'Donnell, Rai Jadunath Majumdar Bahadur, Mr. J. C. Chaudhury, Lala Girdhari Lal Agarwalla, Sir Sivaswamy Aiyer, Dr. Gour, Mr Mahommed Hussein Sahib Bahadur and the Honourable Dr. Sapru’.

The motion was adopted.

**The Honourable the President:** All the amendments on the paper now fall to the ground.

Before declaring the adjournment of the House, I have to say that it has been represented to me that some inconvenience will be caused to the Moslem Members of the Assembly by the arrangement made on the spur of the moment to sit to-morrow. I hope, however, that if I adjourn the House for a mid-day adjournment rather earlier than usual, and make the adjournment rather longer than usual, that will meet the wishes of the Muhammadan gentlemen concerned.

**Khan Bahadur Saiyid Muhammad Ismail:** On behalf of the Muhammadan Members of the Assembly, I thank you for giving us this concession. It was only with a view to draw your attention, so that in future the Muhammadan Members may not be put to any inconvenience, that we have written that letter. We do not propose that the meeting should not be held to-morrow.

**The Honourable the President:** I am glad to have that assurance from the Honourable Member.

The Assembly then adjourned till Friday, the 18th March 1921.

# LEGISLATIVE ASSEMBLY.

*Friday, 18th March, 1921.*

The Assembly met in the Assembly Chamber at Eleven of the Clock.  
The Honourable the President was in the Chair.

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## MESSAGE FROM THE COUNCIL OF STATE.

**The Honourable the President:** I have received a Message from the Secretary of the Council of State as follows:

‘I am directed to inform you that the Council of State have, at their meeting of the 17th March 1921, agreed without amendment to the Bill to determine the salary of the Deputy President of the Legislative Assembly, which was passed by the Legislative Assembly on the 22nd February 1921.’

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## BILLS PASSED BY THE COUNCIL OF STATE.

**The Honourable Mr. H. Moncrieff Smith:** Sir, in accordance with rule 25 of the Indian Legislative Rules, I lay on the table two Bills which were passed by the Council of State at its meeting yesterday, the 17th March 1921. They are:

(1) A Bill to validate certain indentures transferring properties formerly held by certain Enemy Missions in Trusts and for the incorporation of such Trustees and for other purposes.

(2) A Bill further to amend the Land Acquisition Act, 1894.

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## THE BUDGET--THE INDIAN FINANCE BILL--*contd.*

### FINAL STAGE--*contd.*

**The Honourable the President:** The Assembly will now proceed to the consideration of the Finance Bill. Before we do so, for the convenience of Members I had better announce that the ballot which was fixed to be held to-morrow in this Chamber will, if the business of the Finance Bill is not disposed of to-day, be held at the hour fixed in Committee Room A.

The first amendment on the paper in the name of Mr. Venkatapatiraju, as well as the two which follow, deal with the title and preamble of the Bill. Until we have dealt with the clauses of the Bill and know what amendments may be moved and carried, we can not tell what will be either the preamble or the title of the Bill. Therefore, consideration of these first three amendments in the paper must be postponed. We will proceed with clause (1).

**Mr. N. M. Samarth:** Sir, I propose that to clause (1), the following be added, namely:

‘It shall remain in force only till the 31st March 1922.’

Well, Sir, the object with which I have proposed this amendment is, that so far as possible, this House should develop the traditions and conventions of the House of Commons. Yesterday there was a debate upon a question

[Mr. N. M. Samarth.]

which raised a similar matter for disposal before this House. I will not refer to it, but I will say this, that every Member of this Assembly, whether official or non official, European or Indian, will, I hope, be imbued with the idea of developing in this Assembly the conventions and traditions of the mother of Parliaments. No precedent should be created, as far as possible, which will thwart and not facilitate the development of these conventions. I have placed this amendment before the House in order that, in course of time, we may have in this House something like a Consolidated Fund Bill, an Appropriation Bill and an annual Finance Bill. In the House of Commons, certain taxes are annually voted, giving to the Members of the House of Commons an opportunity of bringing practically a vote of censure on those in power. If their policy has been such as not to be in accordance with the general public interests, then it is open to the Opposition to throw out their annual Bills with the result that they go out of power. I wish that this Assembly, although it has not the power to turn out the Government by a vote of censure, will develop at any rate this, namely, that every year the Finance Member and the Government will come before this House and render an account of their stewardship, so that if the taxes that they have levied during the year are justified, and their financial arrangements are justified, we may renew them or modify them just as may seem proper. It is with that view that I have brought forward this amendment, and I trust that it will commend itself to the Assembly.

**The Honourable Mr. W. M. Hailey:** I wish to draw the attention of the House to the items of which this Bill is composed. There is the Tariff Act, the Post Office Act, the Income-tax Act, the Super-tax Act and the Freight Act. Now I can quite see the attraction of forcing us to render a full account of our stewardship every year, though I may say that I was under the impression that the existing Budget procedure already forced us to do so. And I quite see the attraction to this House of the proposal that our taxation shall be renewed at the will of the House every year. I see no reason, for instance, why the procedure of renewing income-tax every year should not be followed. That suggestion seems to me to be unobjectionable, because people do not enter into large commitments or expectations on the basis of the prospects of the rates of income-tax for the coming year. Then, again, Sir, I see no reason why such a charge as that on freight should not, if necessary, be renewed every year; indeed, as I pointed out in my Budget, we hoped that the freight sur-tax would be of a temporary nature only and that the revision of goods freights would take its place before the end of the year. There would in any case seem to me no reason why this should not be of a temporary nature because, here again, I do not think it would disturb greatly the course of trade if it were so arranged. Again, as regards the Post Office, I see no reason why rates taken under the Post Office Act should not be fixed year after year as long as reasonable notice is given to people in advance.

¶ I have taken the items of the Bill in inverse order because I desired to leave the most difficult item to the last; that I mean relating to tariffs. That is a question on which the opinion of the commercial members of this House would be very valuable, both to us and to the House itself. Would it, or would it not, be embarrassing to trade if it realized that our tariff duties were fixed definitely only 12 months ahead? Would merchants, or would they not, be able to make their commitments well in advance as they always

desire to do? Would it, or would it not, mean that towards the end of the year people so far from taking their goods out of customs, would leave them there in the hope, that Government having been forced to retrenchment, might reduce the tariff? I say that these are the doubts that occur to me and I should like to hear what the commercial members in this House have to say in the matter. My own view is, that it will lead to a very great state of uncertainty on the part of trade if our tariff came definitely to an end at the close of the year and the whole scheme of charges were open to revision every twelve months.

We have heard a great deal regarding the disturbance of trade due to exchange; I am not at all sure that an addition to these uncertainties due to the indefinite duration of the tariff might not seriously damage the trade of the country. It cannot again be a very welcome prospect to this House that those differences of opinion that are being voiced as between Lancashire and India should be repeated year after year when the tariff comes under reconsideration. I am perfectly prepared as regards the remaining items to admit the suggestion put forward for annual legislation, but I say that there are very grave doubts as to the wisdom of fixing the tariff charges on a temporary basis.

**Mr. A. D. Pickford:** Sir, I respond as promptly as I possibly can to the invitation that has been extended to the commercial members of this House by the Honourable Mr. Hailey.

I endorse in as strong a manner as possible and I am quite sure I will have with me all those members, who are connected with industry and commerce in India,—every word that has fallen from the lips of the Honourable the Finance Member.

Already the element of uncertainty with regard to the alterations in tariffs is one of the disturbing factors in the commercial and industrial operations in this country, and, if I may say so, I think the House should be very careful before adding any further uncertainty to the difficulties which at the present time are in any case abnormal.

It is not merely the direct effect of possible cataclysmic changes hanging over commerce for the last few months of the financial year, but there is a subtle sense of uncertainty involved in a proposal of this sort which will undoubtedly act to the detriment of commerce and industry in this country. At the present time when everybody, whether engaged in business or otherwise, is especially concerned in encouraging commerce and industry as being the great hope of the economic future of the country, I say that in these circumstances, a proposal of this sort should be very carefully considered, indeed, before it is accepted and I can say that it is beyond all question that those engaged in commerce and industry in India will be very deeply disturbed should any such proposal be carried.

**Rao Bahadur T. Rangachariar:** Sir, I can see that there are advantages as well as disadvantages in this question. But the question which we have to consider is as to whether the advantages outweigh the disadvantages. The first point which occurs to me is that we are now passing through a transitional stage and it is necessary for the Assembly to learn by the experience of one year or more as to how far the finances of this country can be kept under control. With that view in mind we must see exactly where we are financially. We must also see whether the new rates which we are enforcing as regards



[Rao Bahadur T. Rangachariar.]

customs duties are suitable or not. We cannot foresee what the effect of the imposition of those rates will be on the imports and exports of the country. If we work on a permanent basis, we may not be able to review the question as easily as we could if the rates were enforced for one year only. After all we are imposing a higher rate on customs duties because of our financial stringency and not as a matter of protection of our commerce and industry, it is only a question of improving our financial position. If our financial position improved in the course of a year in the sense that we could cut down expenditure, then it would not be necessary to impose such a high tariff on goods. And whereas now we are willing to impose a certain tariff on goods which we consider to be luxuries, we may be inclined to renew the rates at the end of a year and in certain cases we may be able to abolish the tariff.

At a time like this when we are learning our business in this Assembly, I think it should be considered that we are making an experiment and that we should try these rates for the time being and see how they act; especially as regards customs duties—take tea for instance—it would be much better if the rates were renewed annually by legislation as in England.

And as many of these goods are imported, and as our industries in the country have not progressed as fast as we could wish, and as we have to see whether the trade of the country, the industries of the country are going to suffer or benefit by this new taxation, I think it is highly desirable that we should keep it in force for one year only. And one great thing which I have in view is this, as I have mentioned already, that it will put a check upon the growth of expenditure if the Finance Member knows he will have to come to the Assembly again and give an account of any extravagant expenditure either on the military or the civil side—he will have to give a true and full account of his procedure. I, therefore, Sir, strongly support the amendment of Mr. Samarth and I have given notice of a similar one myself and I will ask the Assembly to accept the amendment.

**Mr. Manmohandas Ramji:** Sir, I beg to support the views expressed by my Honourable friend, Mr. Hailey, especially on the Tariff Act, that if it is going to be an annual thing to come before us, it will upset the trade considerably, because, orders have to be placed months before the season commences especially with regard to piece-goods, and it is very difficult for the people to foresee what changes are going to take place at the time of the Budget. I think if the Tariff Bill is not disturbed for some time, it would be much better and, therefore, it should not be compulsory to disturb it annually. In case of need, it is open to either the Finance Department or the Members of this Assembly to bring in propositions to make any alterations which they desire, at the time of considering the Budget.

**Dr. H. S. Gour:** Sir, as I have given notice of a similar amendment which is on the agenda, I may be permitted to justify it in connection with the Honourable Mr. Samarth's amendment. I congratulate the Honourable the Finance Member on simplifying the issue. He has conceded, that so far as our amendments relating to post office, freight, income-tax, and super-tax are concerned, there is no objection to the Finance Bill being limited to a year. But he says, that so far as the Tariff is concerned, the matter is one which could not be readily conceded without reference to the commercial

interests of the country. And the Honourable Mr. Pickford and the other speakers have pointed out, that if the Tariff Bill is to become an annual Act, it will disturb the piece-goods trade. Now, Sir, the Honourable Members who have spoken on this subject have taken it for granted that the Tariff Bill will *ipso facto* cease to exist and it will not be renewed. But that is not the purpose of the amendment. All that the amendment demands and desires is that at the conclusion of one year the Tariff Bill should be subject to the review of this House and, if this House comes to the conclusion that a continuance of the Tariff Bill is necessary, it will be as a matter of course renewed. The only difference between the Bill as it exists and the Bill as we wish it to be amended is this. The Bill as introduced will continue to be law till it is modified or rescinded. Whereas by limiting it to a period of one year, it will come up for revision at the conclusion of one year. I do not see any difference, therefore, so far as the commercial members are concerned. The commercial members apprehend disturbance of their trade if the Tariff Bill is limited to one year but I would beg to ask them what difference would it make if the Tariff Bill continues as it is and next year this Assembly moves for its revision. The difference is not a difference in principle but a difference merely in procedure and the difference in procedure is this, that while, in the one case, it will continue till it is amended or annulled, in the other case, it will *ipso facto* come up before this Assembly for the purpose of reconsideration. That is all the difference between the original motion and the amendment.

Then, Sir, one speaker remarked that this Bill at the end of the year will cease to have any effect and that, after that, people who have placed contracts in advance will be losers. But I have just pointed out that that is a contingency which exists in all cases, whether the Bill is limited or is not limited to one year. So long as the Budget is subject to a vote of this House, it is for this House to decide as to what extent the demands made by Government should be made and in what manner. Therefore, all measures of taxation are subject to the review of this House and I therefore submit that there can be absolutely no objection to this measure being limited to one year, so far as the Tariff itself is concerned. One word more, Sir, and it is this. The Honourable Mr. Samarth has made his amendment somewhat more rigid. He says it shall remain in force only till the 31st March 1922. My amendment is, that it shall remain in force for only one year, that is to say, from the date of its enactment. I submit, Sir, the more elastic provision contained in my amendment would probably be accepted by the Honourable the Mover of the amendment, Mr. Samarth, and, if he does accept it, the two amendments might be discussed and voted on together.

**Mr. E. L. Price:** Sir, I should like to support the appeal of Mr. Pickford and Mr. Ramji, both commercial men, to this House not to press this amendment. It is not quite the fact that it is purely a matter of procedure. If this Tariff Act is looked on as something that comes up for complete revision every year, the Finance Member will be assailed from all parts of the compass, and other Members of this House too, by all those interests which seek to shift their natural burdens off their own shoulders on to those of other people. This does not apply merely to the piece-goods trade, Sir. Probably, Mr. Ramji mentioned that trade because it is an interest of his. It applies equally to the importers of sundries, of wines and spirits, of silver and every other commodity. There will be a determined effort at lobbying for months in advance, because

[Mr. E. L. Price.]

all will look at the Tariff as something open to them every year by the manipulation of which they might lift the load from their own shoulders and place it on other peoples'. So, I suggest, there is a certain amount of psychological importance attaching to this method of procedure, and that, though the Tariff Act is subject to revision every year by this House, to hold it out for twelve months as a sort of 'Aunt Sally' for everybody concerned to have a knock at would be, I think, a tactical mistake, and I am assured also, that it would have a very disturbing effect on the ordinary course of trade. Therefore, I ask these legal gentlemen not to press a point like this for political purposes, however worthy, dead against the consensus of commercial opinion.

**Sir P. S. Sivaswamy Aiyer:** Sir, I wish to support in principle the amendment which has been moved by the Honourable Mr. Samarth, though I should personally prefer the form in which it has been announced by Mr. Venkatapatiraju, namely, that it 'shall remain in force till the end of March 1922.'

If we say 'till the 31st March', it may give rise to some doubt as to whether the 31st of March is included or not. The point taken seems to me to be a very much more substantial one than the one about which Honourable Members were very keen yesterday. I think it is a matter of great constitutional importance that a certain proportion of the taxes and the revenue of the State should not take a permanent form but should be in this manipulable and annual form. It has the great advantage of compelling the Government to come to us year after year and seek our sanction to the continuance or alteration of the annual and revisable taxes as opposed to the permanent taxes. It is quite conceivable that the Government may plead that some inconvenience may possibly be caused if steps are not taken at once to continue the taxes at the expiry of a year. But I have no doubt that measures can be taken to avoid any inconvenient results either by legislation of the kind which has been enacted in the Provisional Collection of Taxes Act or in some other manner. I would, therefore, strongly support this motion.

**Mr. T. V. Seshagiri Ayyar:** Sir, I feel some little difficulty in voting with my friends, with whom I am generally in agreement, on this particular occasion. There is already an agitation in England set up by the Lancashire merchants and by the Manchester people against this customs duty, and if we make it clear that at the end of a year, the Finance Member will have to come here to review that taxation, it may be adding flame to the agitation which is already spreading in England and the position of the Finance Member here will become more difficult. And I also think that the voice of the commerce members who have spoken on this subject ought to have greater weight in determining a question of this kind than the voice of what Mr. Price called the legal men. Now, Sir, if it is possible for my Honourable friends to so word this amendment as to leave out the question of Customs Duties I would have no objection to vote for it. But, as their amendment is not worded in that way, I feel great difficulty in supporting the amendment in the form in which it has been moved.

**Mr. B. Venkatapatiraju:** Sir, I have given notice of a similar motion. We are thankful to the Honourable Mr. Hailey that he has no objection to exempt the Indian Post Office Act, the Indian Income-Tax Act, the Super-Tax Act, and the Freight (Railway and Inland Steam-Vessel) Tax Act.

The only objection he has taken is with reference to the Indian Tariff Act. It is true, Sir, that the practice is both ways with reference to this measure. There are cases where these are annually voted, and there are cases also where permanent provision is made. We have also seen a notice given by Mr. Rangachariar that if we did not approve at the end of a year the tariff which we are now imposing by this Act, the old duties would remain. There is another amendment suggested, that is, he suggests that at the end of a year, we should revive the old tariff. The question is, whether we should make a permanent provision by imposing this high tariff which we are now asked to impose on the several goods which are imported into the country. It may be advantageous or it may be disadvantageous or disastrous. I respectfully urge that it is not at all wise to tie our hands and impose a burden on the country, because, after all, the person who actually pays is the consumer who will be liable to pay very heavy taxes. Perhaps, with facilities, we may rather increase or decrease the duties. The only objection taken by the Honourable Mr. Ramji and the other friends who spoke on behalf of business was, that there would be difficulty in trade, that goods would not be taken delivery of at the close of a year because of the uncertainty whether there would be a reduction or an increase in the duties, and that there would be difficulty also in entering into contracts as it will be necessary to take into consideration the rates that may have to be paid. Sir, it is perfectly well known that the tariff is liable to change, and that the increase or decrease will be taken as a separate addition to the price which will be contracted for by the parties. With reference to not taking delivery of goods, I am sure, Sir, that demurrage will have to be paid by the parties concerned if they refuse to take delivery. Besides, I do not see why we should tie our hands and not have the power of rectifying any mistakes we may have committed by this high imposition. Are we to say, Sir, that we are for ever going to be bound by this? The saving clause to this Bill says that it should have temporary effect under the provisions of the Provisional Collection of Taxes Act, 1918. In these circumstances, Sir, I would suggest, it is far better in the interests of this country as well as of the countries which are exporting merchandise to this country that we should take into consideration, year after year, what is necessary for our own purposes in the interests of our own country. I therefore strongly support the amendment moved by my Honourable friend, Mr. Samarth.

**Mr. C. A. Innes :** Sir, in reply to what Mr. Seshagiri Ayyar said, I wish to say that Government are quite prepared to agree to an amendment which will be in the following form :

‘ That clause 1 be renumbered sub-clause (1) of clause 1, and that to the said clause, the following sub-clause be added, namely :

(2) Sections 3, 4, 5 and 6 shall remain in force only up to the 31st day of March 1922.’

The effect of this amendment will be that the Finance Bill, in so far as the Indian Post Office Act, the Indian Income-tax Act, the Super-tax Act and the Freight (Railway and Inland Steam-Vessel) Tax Act are concerned, will remain in force only for one year. But we do think it most important that this amendment should not be carried in respect of the Indian Tariff Act. In this matter I do appeal to the House to trust to commercial experience. The amendment of the tariff is a matter of vital importance to trade. I do not agree with what Dr. Gour said. I would like to point out that if this

[ Mr. C. A. Innes. ]

amendment were accepted, the effect of it would be that the Act would remain in force only till the 31st of March 1922. That is to say, on the 31st of March 1922, as far as our tariffs are concerned, we shall have an absolute *tabula rasa*. As pointed out by Mr. Price, all the interests in the country who have anything to gain or anything to lose by an amendment of the Tariff Act will be up here lobbying in this House. The whole of the trade will be upset and disorganised. Everywhere business will become very difficult. Mr. Rangachariar said that if the Tariff Act were put in force only for one year, it would act as a check upon the growth of expenditure. What I say, Sir, is that if the Tariff Act is put in force only for one year, it will act as a check upon the growth of trade, and will do vital damage to the country. Moreover, we shall not get our money.

I think that is all I have to say, Sir, and I again appeal to the House to listen to those gentlemen in this House who are representatives of trade and commerce and accept their view that as far as the Tariff Act is concerned, it should not be enforced for one year only.

**The Honourable the President :** The Honourable Member, I understand, has moved an amendment, or is it only thrown out as a suggestion ?

**The Honourable Mr. W. M. Hailey :** I felt that we could only throw that out as a suggestion, in answer to the proposal put before us by Mr. Seshagiri Ayyar. If, however, I am in order in putting it forward as a definite amendment, I should like to do so ; but I place myself entirely in your hands in that respect.

**Dr. H. S. Gour :** May I ask the Honourable Finance Member a question ? Are the Government prepared to give an undertaking to this House that on the conclusion of one year they will submit the whole question of tariff for the consideration of this House ? If the Government are prepared to give an undertaking to that effect, the Honourable Members,—I, at any rate—will reconsider my position as to whether I should persist in bringing my amendment.

**The Honourable the President :** There seems to be some confusion as to the bearing of the amendment moved by Mr. Samarth. Mr. Venkatapatiraju several times used the expression 'to tie our hands.' That is precisely what he proposes to do. The amendment makes it inevitable that the tariff should be brought up next year. If the amendment is not carried, it is left open whether it shall be done or not.

**The Honourable Mr. W. M. Hailey :** With regard to the question which has been put to me, I cannot undertake that we shall put the whole question of tariff before the House before the 1st March next year. As the House knows, we are about to assemble a highly important fiscal commission, which will deal with the whole question of India's fiscal relations. If they present us with an interim report in time for us to bring the question before the House next year we shall be able to do so. But I think the House will agree with me that it would be unwise for us to attempt to reopen the whole question with the House while that commission is still sitting, and until we had received the result of their labours. As soon as we have received their recommendations, I need not say, that the Government will take the earliest opportunity of bringing the whole matter before the Legislature.

**The Honourable the President:** Further amendment moved :

‘ That the following words be substituted for the amendment moved by Mr. Samarth :

‘ That clause 1 be re-numbered sub-clause (1) of clause 1, and that to the said clause the following sub-clause be added,’ namely :

(2) Sections 3, 4, 5 and 6 shall remain in force only up to the 31st day of March 1922.’

**Question put :**

‘ That that amendment be substituted for the amendment of Mr. Samarth’.

**Mr. N. M. Samarth:** Sir, having regard to the expression of opinion of the Members of the commercial community here and the motion which has been introduced in favour of retaining the tariff undisturbed for more than one year or, to any rate, until the Tariff Commission brings out its report, I think it is under the circumstances advisable for this Assembly to accept the proposed amendment. At the same time, I will say this, that if the arguments advanced by some of those Members of the commercial community who spoke on the subject are sound, they would logically lead to the conclusion that there should be no disturbance of the tariff at any time and as such they do not, at any rate, convince me or convince those who think with me. But I accept the proposed amendment as the Honourable Mr. Hailey has given us an assurance that when the Tariff Commission meets and the whole question is gone into afresh and their recommendations are placed before the Government of India, the tariffs will be remodelled in accordance with the view that the Government of India and this Assembly and the Secretary of State may ultimately take. One more point, Sir. Reference was made to the Lancashire agitation. Well, I may be pardoned, I hope, for telling this Assembly that I put forward before the Crewe Committee in my memorandum and in my evidence the proposal that whenever the Government of India and its Legislature agreed there should be no interference by the Secretary of State, and, therefore, none by Parliament. That proposition was accepted and approved of by the Crewe Committee. I again urged it before the Joint Parliamentary Committee, and as everybody knows, that Committee also accepted the view that ordinarily whenever the Government of India and its Legislature agreed there should be no interference by the Secretary of State and, therefore, none by Parliament. I am not afraid, therefore, of this Lancashire agitation in the House of Commons or anywhere else, so long as you and I and all the rest of us, including the Government of India are of one mind and speak with one voice on the subject.

**Mr. T. V. Seshagiri Ayyar:** Supposing this amendment is accepted, and sometime later section 3 in the Bill which refers to the Indian Post Office Act is altogether deleted, what is the effect of it? If we accept the amendment and say, that all these sections shall remain in force until the 31st March 1922, and if what I have said happens in consequence of a discussion in the House, will that in any way affect the position?

**The Honourable the President:** I think means can be found for that. I hesitate in view of the circumstances at the moment, to make the suggestion, but there is ‘another place’ in which any necessary amendment can be inserted.

[ The President. ]

The motion :

‘ That that amendment\* be substituted for the original amendment ’

was adopted.

The motion :

‘ That that amendment\* be made in clause 1 ’

was adopted.

The motion :

‘ That clause 1 as amended stands part of the Bill ’

was adopted.

**The Honourable the President:** Clause (2).

**The Honourable Mr. W. M. Hailey:** Sir, I venture to put it to you that it would be more convenient if we considered the postal section of our proposals before the tariff section. In the course of the various debates that we have had hitherto, it is clear that many Members of this House have, feelings which may eventuate in considerable financial changes in regard to postal charges, and we should be glad to have an opportunity of calculating the exact effect of such votes as the House may give on the subject before we proceed with the matter of tariffs. It is, therefore, purely as a matter of convenience that I will suggest to you that we should take clause (3) before we take clause (2) of the Bill.

The motion :

‘ That consideration of clause (2) be postponed ’

was adopted.

**The Honourable the President:** Clause (3).

**Rai Sahib Lakshmi Narayan Lal:** Sir, the amendment which I have the honour to move, runs as follows :

‘ That clause (3) and Schedule III be omitted ’.

The country is already overtaxed and the people are mostly not in a position to bear any further taxation ; their pecuniary troubles which are too many to be told, need not be reiterated here. Suffice it to say, that most of them have not even the good fortune of enjoying two full meals a day. In order to make both ends of our finance meet, we should not take any step against those who themselves do not know how to make both ends meet. The war which has caused this trouble in our finances has also added much to the already numerous existing troubles of the poor masses and classes of the country and has driven them into the most pitiable pecuniary position beyond all the power of description. The poor masses and classes are already sufficiently taxed and in any case if they are subjected to any further taxation by the Imperial Government for Imperial Revenue, they will be unable to bear any further taxation by the Local Governments and Local Bodies for adequate education, sanitation, medical relief, industrial and agricultural

\* ‘ That clause 1 be re-numbered sub-clause (1) of clause 1, and that to the said clause the following sub-clause be added : (2) Sections 3, 4, 5 and 6 shall remain in force only up to the 31st day of March 1922 ’

improvement, or any other moral and material development. To secure a steady and speedy success of the Reform Scheme, Imperial taxation should never be such as may directly or indirectly touch the pockets of those who cannot bear more than the local taxes. The success of the Reforms depends very much upon uplifting these poor masses and classes as much as possible and any taxation, which is likely to further deteriorate their present pitiable position, will not pay in the long run. It will be like a stimulant which may give some temporary relief, but which will surely and certainly so undermine the system as to admit of no further cure. It is difficult to carry on the administration, at the present level of efficiency, with our credit impaired. It is equally, if not more, difficult to maintain that efficiency if, instead of the moral and material development of the country, there is any further cause for deterioration. Inasmuch as these masses and classes are the very sources of the constant and adequate supply of Civil and Military recruitments, so essential for efficient administration. The policy of meeting growing expenditure by ever-increasing taxation creates a permanent danger in respect of the very objects for which money is raised. If a cultivator takes as much milk from a cow, as he stands in need of, without leaving sufficient quantity for the support of the calves, he is sure to have in future weaker bullocks for his plough, and weaker milch cows and sooner or later, he finds out his mistake and realises that this policy does not pay in the long run and ultimately frustrates the very object in view. The principle of meeting financial necessities by fresh taxation is a remedy which is worse than the disease and should be religiously avoided. I venture to suggest, that retrenchment and retrenchment alone is the surest remedy and I fully trust that the Imperial Government will be most graciously, pleased to introduce the policy of retrenchment by Indianising the Civil and Military administration as soon and as much as possible.

Even maintaining the present strength of the combatant rank of the army, if only 40,000 Indian soldiers be substituted for British combatants, we save about 6½ crores.

**The Honourable the President:** Order, order. This is not relevant to the motion before the House.

**Rai Sahib Lakshmi Narayan Lal:** I was going to suggest how we could save in order that we may not be under the necessity . . . .

**The Honourable the President:** The Honourable Member must assume the necessity for saving without going into detail.

**Rai Sahib Lakshmi Narayan Lal:** My ray of hope is already shining in a corner of the Budget. It is to be found in the significant sentences to the effect that His Majesty's Government would not be prepared, *without the most careful examination* to agree to reduction under the present political situation in and outside the country and that the British troops were in a semi-contractual relation. Having regard to the terms offered to the Turks . . . .

**The Honourable the President:** The Honourable Member must confine himself strictly to his motion that clause (3) and Schedule III be omitted. Clause (3) does not deal with the Army or with the Turks.

**Rai Sahib Lakshmi Narayan Lal:** The Post Office tax, as well as the railway freight tax, will directly affect the poor masses and classes who shall



[Rai Sahib Lakshmi Narayan Lal.]

also be indirectly affected by the other proposed taxes which will not only further deteriorate their financial condition but will prove a great obstacle to the healthy growth of their decaying industry. The Honourable the Finance Member himself admits that the justification, on business grounds, for raising the postal rates, does not hold good. With due deference, I regret, I cannot agree with him in his statement that the postal rates as cheap as they are at present are a luxury, which appears to have been made without taking into due consideration the economic condition of the different countries compared. There is no good in seeking, by means of such taxation, to show a substantial surplus or to embark on costly new schemes which can be safely postponed for the present, or at least for which money can be raised by loans. Taking all these facts and circumstances into consideration and the reduction recommended as well as the assurance given regarding the lump provisions for revision, which can, at least be partly put off there is hardly any necessity for such taxation.

**The Honourable Mr. W. M. Hailey:** I do not wish to meet Rai Sahib Lakshmi Narayan Lal's arguments in detail because I desire to keep within the terms of the matter which is immediately before the House; and I shall make no attempt whatever to follow him in his wanderings outside the Eastern hemisphere. But, Sir, I think it is necessary that I should point out to the House the exact purport of his amendment, which has a parallel in the subsequent amendments of Mr. Reddiyar and Mr. Raju. The acceptance of his proposition would mean that we should be unable to obtain any increase at all of our postal rates in any department of the work of the post office. I quite see that the House may, when it comes to discuss the postal Schedule, wish to make modifications, perhaps considerable modifications, in the scheme which we have put before it. But my immediate point is, that if this amendment is accepted, the House will then be unable to take up any of the detailed matters referred to in the Schedule, and will be unable to raise by a single anna the sum which is already taken in respect of the post office. Now, Sir, as these proposals of ours have been so much criticised, I think it is only right that I should place the House in possession of the reasons which were in our minds when we put them forward, and which moved us to what many Honourable Members have described as a deliberate attempt to place fresh burdens on the poorest of the population.

I think I can prove that we were right in thinking that our proposals were not of that heartless nature; that they were far less harmful indeed than any taxation such as would be involved in an increase, shall we say, of the Salt Tax.

Now, I take it as a first and primary axiom that the Post Office ought to pay its own way. There is no reason why we should run this important Government Department at a dead loss to the community. Admitting that it is of the greatest value to the community that it should have cheap means of communication, there is, I conceive, no reason at all why we should pay out of our own pockets for those who use the Post Office. What are the facts? I leave out of consideration for the minute what we make from our Telegraphs, because our postal service, although united for administrative reasons to our telegraph service, is in effect a separate service. In 1917-18, we made 46 lakhs; in 1918-19, 38 lakhs; in 1919-20, which was a year of trade boom, we made 75 lakhs. Well, we could hardly expect, even if we were

paying our postal staff the same as last year, to make 75 lakhs again. Suppose that we were to raise slightly the average expectation of returns, allowing for the progressive development of the use of postal facilities, and estimate for a return of 50 or 60 lakhs. What do we now pay to our postal staff in increased wages? I think it is 113 lakhs. And what is the result going to be? The result is going to be that we are going to work this year at a certain loss of 53 or 63 lakhs, more or less.

Now, Sir, my first proposition was that we should lose nothing over the Post Office. I will be bold enough to go further, and to suggest that it is very reasonable that we should make something out of the Post Office. There is nothing novel, abnormal or irregular in so doing. We have made a revenue out of the Post Office in the past; nearly every country has admitted the reasonableness of so doing. Look what England expects to make this year, namely, £3,500,000. Or again, take Canada, a democratic enough country. Canada is going to make 2,300,000 dollars. Or again, take Australia, £387,000. Or turn again to the East. Japan expects to make no less than 73½ million francs. So that it would not be unreasonable if I were to put it to the House, that we are not without precedent in the most advanced countries, in demanding that we should make a moderate revenue from our Post Office. And I claim that we can make that revenue fairly, because the burden we propose to place upon people in so doing is not a heavy one. It is in the first place distributed over the whole population. Take the population of India as roughly 300 millions. Take the number of postcards. How many were they? 600 millions, that is to say, each person in India—I am not going to pretend that each man, woman and child actually does so, for the moment I am only making an arithmetical calculation—sends two post cards a year. Then again the number of letters written is 500 millions; that is to say, each person sends rather less than two letters in the year. If we double the cost of post cards, it would, on the figures I have given, cost the population exactly one half anna per head per annum. My friends in the Postal Department have supplied me with some rather interesting calculations on the subject which I will venture to put before the House. It is said, that post cards are sent only by poor persons; put that at one tenth of the population or 30 millions. Then the incidence is 20 post cards per head per annum, the extra cost is 5 annas or less than a half-penny a month. Increase your figures as to the proportion of the poorest element of the people; assume that post cards are sent by 15 millions. Then the incidence is 10 annas per head or less than one anna a month. Go further, and assume that post cards are sent by 7½ millions only. Then the incidence is less than two annas per head a month. Now, is that a heavy increase to the burdens of the people? In every sphere of life people are paying more for the goods or services they receive. In every commercial concern, the cost of working has increased, the prices demanded in return have been enhanced. Is it unreasonable, therefore, that we should have attempted to get this small extra return—I have shown arithmetically how small it is—From the general population of India for the services rendered? Let me note further, that in so doing, our proposal follows the example of other countries. My Honourable friends here will never allow me to quote either the rate of taxation or other figures relating to the United Kingdom, because the United Kingdom is a rich country and they will never admit the force of a parallel; so I will pass the United Kingdom by. But, under modern conditions, France is not a very rich country and Italy is certainly not a rich country. I doubt if anybody who knows Italy would deny, that at present large portions of

[ Mr. W. M. Hailey.]

its population are undoubtedly poor Well, Sir, what has France done? Its ten centime unit has gone up to 25, its 15 centime unit has gone up to 40, its post cards, which were 10 centimes, have gone up to 25, two and a half times as much as before. Then Italy. The lowest unit before was 15 centesimi, it is now 25; its post cards were 10 centesimi, they are now 15. Or take again, Belgium. Its lowest unit was 10 centimes, it is now 20; its post cards were 5 centimes, a low rate; they are now 15 centimes.

Now, Sir, we have very much greater distances in India than in any of these countries, and the services we render in return for the very slight rate which we have hitherto taken and the still very slight rate which we propose to take, are immeasurably greater. Let me come to the East and point out what is being done in Ceylon, not a richer country than India. In Ceylon, the new rate for letters is 6 cents, or one anna, and its post cards are half an anna. In Kenia Colony, the rate is one penny for letters and half a penny for post cards. And, of course, I need not say that in Ceylon and Kenia the postage is practically little more than a local postage. You do not send for a half penny there, as we are sending for a pice here, a post card from Cape Comorin to Peshawar; you send it within an area which is about the size of a large British Indian division.

Well, Sir, those are the reasons which weighed with us, when we considered this case, to risk some slight unpopularity, and to place a proposal for an increase in our postal rates before this House. I have given you those reasons; let me briefly summarise them. They are that the Post Office should not be run at a loss, and that it is a legitimate source even of revenue; that the increase proposed would be spread practically over the whole population, and that other countries have been obliged to take the step which we ourselves are now proposing to take. Those arguments, Sir, may not apply to every detail in the Schedule, but I am not arguing the Schedule; I am only giving to the House a reason why we put forward general proposals for an increase in postal rates. But the reasons which I have given stand, I think, very strongly indeed as an argument against this amendment, an amendment which, as I have said, would prevent us from taking any increase whatever in any article of the Schedule over the present postal rates.

**Mr. T. V. Seshagiri Ayyar:** Sir, I respectfully join issue with the Honourable the Finance Member upon the point that the Post Office should pay its way. Sir, this is one of those matters in which no Government of a civilised country should expect that the collections made in the Department should be sufficient for the establishment. Like Education and like Sanitation, this is a matter which the Government should primarily undertake for the benefit of the people without looking to the return which the undertaking may bring. This is one of those public utility duties which in every civilised country the Government is bound to undertake.

Do you expect in the case of military defence that there will be a complete return to you? Do you expect in the case of the Police that there will be a full return for it? There are certain matters, such as the protection of the people and the advancement and civilization of the people, which the Government is bound to undertake without looking for any return which their undertakings may bring. Therefore, I join issue with the Honourable the Finance Member in his opening statement that if the Post Office does not pay its way, it should be made to pay its way by increasing the duty. At

the same time, if I may say so, I am in sympathy with the Honourable Member in not accepting the whole of the Resolution which has been put forward. I have myself given notice of an amendment which I am afraid this is not the proper time to discuss, namely, that post cards and letters be left alone. I am afraid the issue is being obscured by bringing in such a large question as the administration of the Post Office. I do not know what procedure you would suggest to the House, Sir—whether we should move other motions on the same subject of which we have given notice as amendments to this proposition, which is now before the House, or whether the other motions should await discussion until this motion is disposed of. As has been pointed out by the Honourable the Finance Member there are some matters which stand on a different footing from the imposition of additional taxation upon post cards and letters. Therefore, unless we know, Sir, where we stand, it will be very difficult for us to really discuss this question in a proper manner. May I ask your ruling, Sir, as to whether you would allow, for example, my motion regarding post cards and letters to be moved as an amendment to the motion already made by the Honourable Mover, or whether it should be discussed apart from the general question as to whether there should be no additional taxation at all with respect to postal carryings.

**The Honourable the President :** I think the Assembly had better dispose of the amendment now before them and then proceed to discuss in detail each specific amendment in the postal rates.

**Mr. N. M. Sarnath :** Well, Sir, the issue before the House is whether the whole clause be omitted altogether and those who think that there are certain increases in the schedule which might stand and should not be disturbed will vote against this motion.

I too join issue with the Honourable the Finance Member as to the *raison d'être* of the Post Office and the way in which it should be financed. It is not a commercial undertaking and it is a wrong canon to lay down that the Post Office must be made to pay its way. I thought it was only one of those arguments which the Honourable the Finance Member dexterously advances at times to carry conviction to the House, oftentimes without seriously meaning that we should accept the full import of his dictum. But if he is really serious in thinking and in placing before us the view that the Post Office must be made to pay its way, then I, along with my friend, Mr. Seshagiri Ayyar, must seriously join issue with him.

**Mr. B. Venkatapatiraju :** Sir, when this question was presented to this House by the Honourable Mr. Hailey, he admitted that he was very sorry for introducing the increase in the postal rate, but I think, seeing that there are so many amendments, the Honourable Mr. Hailey is more and more convinced that it is necessary and useful for the purposes of the State to increase this rate. May I respectfully submit, Sir, that though I do not place the postal rates on the footing that my friend, Mr. Seshagiri Ayyar, put it just now, that is to say, on the same footing as Defence, Police or Sanitation, because I admit, it is a commercial undertaking; yet this is a commercial undertaking which every civilised Government undertakes, not for the convenience of the State but on account of the interests of the subjects over whom it rules. And in almost all countries it is the monopoly of Government. The State won't allow any private body to enforce postal

[Mr. B. Venkatapatiraju.]

rates or to carry on postal business. It is a monopoly of the State, and the only thing which must guide the State in all these matters is not the convenience of the administration but the benefit to the people. Is it not taxing knowledge indirectly by increasing the postal rates? I should like to mention that this very Government when they increased the telegraph rates—and this Postal item includes telegrams also—they stated that as soon as the stress of traffic due to the War was reduced they were going to reduce the telegram rates, from 12 annas, to which it had been increased from 8 annas, and even 4 annas formerly. But now when I put a question to the Government, they say, that question will be discussed at the time of the Budget. And now I see the result. They have not at all reduced the increased rates for telegrams, but on the other hand I find they have increased the postal rates. Do we not find from the figures given by Government that both in the matter of parcels as well as the circulation of newspapers, there has been a reduction? What is that due to? It may be due to other causes, but is this the time to curtail the circulation of newspapers by increasing the postage? As you are aware, Sir, most newspapers are unable to circulate because they have not got sufficient subscribers, a sufficiently large reading public, on account either of poverty or on account of the illiteracy which is prevalent in the country. The Honourable the Finance Member quoted certain figures to show that our rates are cheaper in some cases than those of other countries. But is the Honourable Member aware that in the matter of money orders we are paying him double and treble the amount which the richest country, England, imposes with regard to money order commissions? We know that the penny postage is universal in those countries. But with regard to England, the Honourable Mr. Hailey admitted, that no comparison could be made between that country and India, which is a phenomenally poor country. Would the Government of India impose one tenth of the taxes which England imposes on her people, namely, £21 per head of the population? Therefore comparisons may be odious. When we have a rich country which increases revenue from 200 millions to 1,400 millions in one year, it is useless to compare India with such countries. France, Sir, fought for its very existence. It exhausted all its resources and it must scrape every pie now. We are not embroiled in any War. We were only passing participators in the War, and under these circumstances why should we introduce these increased postal rates?

I do admit, Sir, that this should not be run as a charitable institution. I do not advocate that it should be run like that. But the surest way of meeting the cost of the service is to reduce expenditure. I need not go into details. You can reduce the expenditure even as it is. I respectfully urge on the Assembly that this is not a source from which revenue should be raised, because it is a thing which comes to taxing the country on knowledge. The Honourable Mr. Hailey says, 'After all, what does it matter? It would only tax the poor man an anna or two annas.' But Sir, even an anna or two annas for a poor man in this country is too high a figure. Can we not find other means of raising revenue? Do you want to make a profit out of this transaction? Therefore, Sir, whatever may be your other considerations, there are other means of raising revenue to carry on the administration, and I appeal to every one in this Assembly to see that this is the last resource to which we resort; unless we are in a desperate condition we ought not to go to postal rates, to make it a profitable concern from which we can draw for general

purposes. As it is we are making some profit out of it. The Honourable Mr. Hailey is suggesting that it is worked at a loss. I am surprised to hear that ; and I think it shows want of supervision on the part of Government, that a department which was yielding profit all these years should, according to Mr. Hailey, be run now at a loss. I submit, it is time for the Government to look into the matter and gain revenue by stricter supervision of the expenditure and not by imposing taxes upon the people. Therefore, I earnestly appeal to every Member to try to consider the poor man's condition, because rich people may not care whether these rates be reduced or raised. Now if the Government says that these rates must necessarily be increased, there will be no difficulty to raising them even to two annas and the people will have to bow to it though unwillingly ; but, in that case, the absolute necessity for it must be shown and it must also be shown that it can not be raised in any other way.

Probably if the rates are increased, the number of letters may decrease. As it is, the Government themselves say, that the post office is growing in popularity from day to day and that more letters are being circulated. I would, therefore, once more urge that this is not a tax on which we should have to depend for the carrying on the work of the postal department.

**Babu J. N. Mukherjea :** Sir, I wish to say a word or two as regards the position which has been taken up by the Honourable Finance Member on the policy which should regulate the organization of post offices and the telegraph department. It has been said that this department of Government brings revenue in other countries to the State. Whatever the conditions in other countries may be, I venture to draw the attention of this Assembly to the fact that post offices and telegraphs in this country were organized, generally speaking, with a view to enable the Government to carry on its administration with efficiency. All the other departments of Government owe something to this postal department, and it is mainly with a view to the convenience of the administrative authorities that, to some extent at any rate, the post offices and telegraphs exist. The general administration, the police, the excise and all the other departments of Government, I repeat, owe something to this department. Therefore, Sir, it is but natural to expect that some regard should be paid to this fact and that the general administration of the country should be prepared to make some concession to this department, and it should not be treated entirely from a commercial point of view. India is a vast country and in many places the postal and telegraph arrangements have not been organized solely with a view to assisting the people to carry on their communications. Further, in the villages and in the outlying stations, the service is of a very imperfect description. If due regard be not paid to these facts, my submission is, that the question will not be treated with the amount of justice that is its due. Sir, it will not be the correct attitude for Government to adopt if the question be looked at merely from a commercial point of view.

**Mr. Harchandrai Vishindas :** Sir, I entirely agree with the views that have been expressed by Mr. Seshagiri Ayyar. Speaker after speaker has answered the Honourable Mr. Hailey in regard to the proposition he laid down that the postal department ought to be self-supporting ; but I think we may better leave that alone. That is purely an academical question. Some may hold one view and some another view. But the point for consideration at present is, is it right and proper on our part to give up such a large

[Mr. Harchandrai Vishindas.]

amount of revenue? The only question on the other side that can deserve consideration would be whether by this taxation we are really taxing the poor. I do say that by increasing the rate on letters from half-an-anna to an anna, and the rate on postcards from quarter of an anna to half-an-anna the poor may be affected; but I do emphatically deny that the other rates proposed affect the poor at all, and therefore although I am in sympathy with the amendment tabled to-day for the purpose of maintaining the existing rates on postcards and letters, other rates in my opinion are simply taxes upon luxuries and should be levied in the interests of our own finance. Sir, we should bear in mind that we have a certain duty imposed upon us by virtue of the office we hold and that duty is to carry on the administration of the country. We have been all these years demanding self-government with a view that we may ourselves carry on the administration of the country. That being so, we must always have a sense of responsibility. We must consider it to be our duty that we should provide funds for carrying on the government. Now, if we in this careless fashion give up sources of revenue which are quite legitimate and which in my opinion are more in the nature of taxes on luxuries, if you leave out of consideration the tax on postcards and letters, I say if we do that, we shall be failing in our duty. We find from the introductory speech of Mr. Hailey that this is expected to bring us Rs. 2½ crores. That being so, if we give up the whole of this Rs. 2½ crores it will make a very big hole in our pockets. Therefore, Sir, I appeal to the sense of responsibility of the Members of this Assembly, which I am quite sure they do possess, not to take off the whole of this Schedule.

**Rao Bahadur T. Rangachariar:** Sir, I move that the question be now put.

**The Honourable the President:** I wish to make an appeal to this Assembly. Members will remember that I made an agreement, with the approval of the Assembly, with their Modern colleagues yesterday, that in view of the fact that to-day is Friday and a sitting of the Assembly was unexpectedly put down for this day, we should adjourn at this moment for an hour and a half in order to meet their requirements. I hope this Assembly will come to a decision now on the question before them. I would remind them that there is not a word that can be said on this amendment which cannot—I was going to say, be repeated, but I shall not allow it to be repeated (laughter)—which cannot also be said on the amendments to the Schedule. The amendments to the Schedule raise substantial points, and I hope therefore that we may adjourn now after having disposed of the amendments before us. The amendments before us are items 15, 16, 17 and 18. The question I have to put is,

that clause (3) and Schedule III be omitted.

The motion was negatived.

The Assembly then adjourned till Two of the Clock.

The Assembly re-assembled at Two of the Clock. The Honourable the President was in the Chair.

**The Honourable the President:** Honourable Members will observe that there are a number of amendments which raise substantially the same

points. There is only one amendment which raises them all under the same heading, namely, Amendment No. 120, on page 13 in the name of Mr. Jatkár. I propose to call that amendment and deal with it by sections. I therefore call upon Mr. Jatkár.

**The Honourable Mr. W. M. Hailey :** I feel, Sir, that it would be a great convenience to the House if we were, as you have bid down yourself, to deal with this subject by sections ; but I venture to suggest, that we take it in the order of post cards first, letters next and registered newspapers third. It will affect what we shall ourselves have to say if the House decides one way or the other on the subject of post cards. It is perhaps also logical to begin with the cheapest item first and one which affects the largest number of poor people.

#### LETTERS, POST CARDS AND REGISTERED NEWSPAPERS.

**Mr. B. H. R. Jatkár :** Sir, I beg to move :

'That for the entries under heads 'Letters', 'Post Card.' and 'Registered Newspapers,' the following be substituted :

##### *Letters.*

For a weight not exceeding half a tola	half an anna.
For a weight exceeding half a tola and not exceeding one tola	one anna.
For every tola or fraction thereof exceeding one tola	one anna.

##### *Post Cards.*

Single	quarter of an anna.
Reply	half an anna.

##### *Registered Newspapers.*

For a weight not exceeding eight tolas	quarter of an anna.
For a weight exceeding eight tolas and not exceeding fifteen tolas	half an anna.
For every fifteen tolas or a fraction thereof exceeding fifteen tolas	half an anna.

From the amendments that have been put down by other Honourable friends .....

**Rao Bahadur T. Rantachariar :** The Honourable Member evidently has not heard the ruling from the Chair as regards Post Cards being taken first.

**The Honourable the President :** The Honourable Member is moving the amendment as on the paper. What I propose to do is to put the amendment in sections. I shall put the whole amendment first of all from the Chair. Then, as we have the discussion first of all on post cards, I shall put that question from the Chair, and then proceed as suggested by the Honourable the Finance Member.

**Mr. B. H. R. Jatkár :** From the various amendments that are put on the agenda paper it will be seen that the majority of the House is with me in respect to post cards. In the proposed Bill it is sought to raise post cards from  $\frac{1}{4}$  anna for a single post card and  $\frac{1}{2}$  anna for reply, to  $\frac{1}{2}$  anna and 1 anna, respectively. It is not necessary to state that this increase in post card rates will affect the poor community only. It is common knowledge with us that post cards are the only means of communication in villages and mufassil towns. If we raise the postage rates for post cards, it will affect only the



[Mr. B. H. R. Jatkar.]

poor people, and it should be the aim of every taxation that the poor people should not be affected by it. It is no use stating that the poor people of India are already hard hit by the increased rates and prices of foodstuffs and other things and we should not add one more item to make them more miserable.

With regard to the letters, also, I have proposed this amendment on the same basis. I have only sought to keep a letter weighing  $\frac{1}{2}$  tola at its present rate and to tax a letter exceeding that weight but not exceeding 1 tola at 1 anna. My idea is to allow the poor people of this country to retain their means of communication by letters. The subsequent changes, if made, will not affect the poor people and business people using thick paper can well afford to pay the new rates. With regard to the registered newspapers, I would make a special case. The present rates for registered newspapers are—for a newspaper not exceeding 8 tolas in weight— $\frac{1}{4}$  anna, not exceeding 40 tolas it is  $\frac{1}{2}$  anna, and for every additional 10 tolas or part thereof it is an extra  $\frac{1}{4}$  anna. We all know that the Press Act has already knocked down many of the vernacular newspapers in the country and they have also suffered in other ways, and by increasing the rates of postage as is proposed, I am afraid that it will have a very detrimental effect on them and may ruin some of them. Since the Press Act, many vernacular newspapers have disappeared and I think that they should be protected as much as possible by not increasing the postage. I do not think the effect upon the larger newspapers will be so great as upon the vernacular newspapers, and I expect that the increase will bring in more income to the Government. I think the Honourable the Finance Member said that the imposition of these taxes will bring in about 2 crores of rupees in revenue to the State.

As regards the postcards, on turning to the figures given in the annual report, it will be found that about 60 crores of postcards were used in 1920 and roughly speaking by doubling the rates will increase the revenue by about a crore.

I cannot say how much income is derived either from letters or registered newspapers, and I cannot say how far the amendment will affect the revenue, but the Honourable the Finance Member will probably be able to give us the figures as to how far my amendment will affect the revenue of the country. Then in regard to the demand for Posts and Telegraphs, we have been able to save a crore of rupees by the amendment of our Honourable friend, Mr. Samarth, and by my amendment regarding postcards, there would be additional deficit. Now, I will give you the figures as to the number of registered newspapers posted in the year 1919. The figures are 6,19,18,27.

With the motive of not defeating the object of the Finance Bill, I have proposed two other additions to this schedule, which I will move when the time for it comes. But under that head I believe that over 20 lakhs of rupees will be got from those two additions in the schedule.

The Honourable House will see that my special point is about the newspapers. If the proposals in the Bill are accepted, it will affect the vernacular newspapers because they are generally above 5 tolas and below 8 tolas. So we must make a special case of these newspapers which give information on all matters of public interest to the remotest village—you must take special care to see that these registered newspapers are not taxed. With these words I move the amendment that stands in my name.

**The Honourable the President :** The question is :

'That in Schedule III for the entries under, heads 'Letters,' 'Postcards' and 'Registered Newspapers', the following be substituted :

*Letters :*

For a weight not exceeding half a tola . . . . .	half an anna.
For a weight exceeding half a tola and not exceeding one tola . . . . .	one anna.
For every tola or fraction thereof exceeding one tola . . . . .	one anna.

*Post Cards :*

Single . . . . .	quarter of an anna.
Reply . . . . .	half an anna.

*Registered Newspapers :*

For a weight not exceeding eight tolas . . . . .	quarter of an anna.
For a weight exceeding eight tolas and not exceeding fifteen tolas . . . . .	half an anna.
For every fifteen tolas or a fraction thereof exceeding fifteen tolas . . . . .	half an anna.

The question I have to put is :

'That the entries under the head 'postcards' be substituted for that in the Schedule.'

In putting that, I may suggest to Honourable Members, that as we have a somewhat long programme of business before us, it might perhaps be advisable to have a short adjournment somewhere about 4 O'clock. If that meets the convenience of Honourable Members, I shall propose an adjournment at or about 4 O'clock, according as the state of business permits.

**Lala Girdharilal Agarwala :** Sir, the Honourable the Finance Member has proposed an increase in the rates for letters, post cards, and registered newspapers, to which my Honourable friend, Mr. Jatkar, has proposed an amendment which he has already laid before this Honourable House. Now, I have also given notice of an amendment, which is as follows :

'Letters . . . . .'

**The Honourable the President :** Order, order. I have put the question relating to post cards. The present debate will be restricted for the moment to post cards.

**Lala Girdharilal Agarwala :** With regard to the rates proposed for post cards, I submit that it will affect the poorer class of people who generally send their communications on post cards. I would be willing even if the size of the post card is reduced to what it was before, or even if the size of the post card is cut to half. But the price of the post card, the postage, should not be doubled. Now, even if the size is reduced by a little or even cut to half, it would not affect them much, because poor people would even in that case be able to send their communications—of course leaving out the *Sarname* or *Alqab wa adab* which takes up a lot of space. They will be able to write their messages on that post card. If the weight of the post card, or if the size of the post card, is not the principal consideration in the estimation of the

[Lala Girdharilal Agarwala.]

Honourable the Finance Member, then I submit that this Honourable House would agree that the size of the post card may be retained and the value of the post card may also be retained as quarter anna and not  $\frac{1}{2}$  anna. If this is increased, then there would be a good deal of unrest in the country and we would have many more discontented people than we have got at present. Taking the question of economy and also taking the question of the unrest in the country, I submit, it is necessary that we should not increase the price of the post card as suggested. One thing more I may be allowed to submit. The Government will not have doubled the revenue as calculated by doubling the price of the post card. At present those people who write on an average four post cards in the month will, if the price is doubled, probably write only two. So that the Government will have no advantage. On this ground, I submit, that the price of post cards should not be increased.

**Mr. J. P. Cotelingam :** Sir, I propose that the question be now put. No further speeches are wanted, as a large majority of the House is agreed on keeping the rates unaltered.

*Several Honourable Members :* Yes ! Yes ! Agreed ! Agreed

**The Honourable the President :** Order, order. Even when a great body of the House may think in one way, it is a well-established Parliamentary practice that the minority have freedom of speech. Therefore, I think it is somewhat of an abuse of the Honourable Member's privilege that he should move a motion for closure at this moment.

**Sir Logie Watson :** Sir, the poor are always with us, and especially in this Chamber, it appears to me. In referring to the poor, I believe that Honourable Members are guided more by their hearts than their heads. I do not think that the proposed income from post card is to prove such a terrific hardship as some Honourable Members would like to lead us to believe. I took up my pencil as the Honourable Member sat down and made a few thumbnail calculations. He referred to a scribe who might write four post cards a month. Now I selected the very poorest class—a man drawing Rs. 12 a month—and I assumed he had gone to the expenditure of actually writing four post cards a month, and I found that if he did so, the increase would represent 192nd part of his total income. Now we all know that during the past few months, wages in India have been raised by at least 33 per cent. so that the expense of sending four post cards a month would represent a 64th part of his increased income. If he only writes two post cards a month, the expenditure would represent on his total income a 384th part ; or on his increase a 128th part, and if he only wrote one post card—which I think is enough for any one to write unless he is engaged in business—it would represent a 768th part of his income, or 256th part of his increased income.

Now, I do not think any Honourable Member in this Assembly is going to tell me that this is imposing a hardship on the poor people in this country.

**Mr. N. M. Joshi :** Sir, I am in favour of the proposal of my Honourable friend, Mr. Jatkar. I do not support it on the ground that it will fall heavily upon the poor, because, as Sir Logie Watson has said, the tax will not come so very much. But I put it on the ground that even the Honourable the

Finance Member has admitted that the post gives great facility for progress and civilisation. I put it on that ground. We want cheaper postage because India has yet to make great headway in progress. We are far behind. We want propaganda, we want education, and as a means of education we want a cheap postal system. I therefore support the proposal that the postcard rate should not be increased and I put it on the ground that a cheap postcard is necessary for progress and civilisation.

**Dr. H. S. Gour:** Sir, one aspect of the question connected with the postage on postcards should not be lost sight of. It is this. If this House decides to retain the present postage on postcards, it would be impossible for this House to decide that the postage on letters should be increased. The reason is obvious. If you are to increase the postage on letters to one anna and the postage on postcards remains as now at one pice, the revenue from letters will diminish and that on postcards will increase, and the net result therefrom to the Post Office, on the cumulative effect of the revision of the postage on letters and postcards would be incalculably small. I am not quite sure whether the Post Office will not in the end be a loser. I therefore submit that this House must keep in view, in voting on the question of the postage on postcards, the other question as to whether they are going to vote for an increase in the letter postage. If they do not vote for an increase in the letter postage, then of course the present ratio between the postage on the postcard and the letter will continue. But then, if they wish to raise the postage on letters, the result which I have foreshadowed is likely to follow.

Now, Sir, as regards the poor man's plea, that he cannot afford the postage, Honourable Member of this House have pointed out that it is a plea which is entitled to the consideration of this House. Sir Logie Watson has brought his irrefutable logic to the decision of the question. But he is perfectly aware that human affairs are not very often controlled by logic or reason. As often as not, they are controlled by sentiment. Let me picture to you, Sir, the position of a poor man, or a clerk who draws not only Rs. 12 a month but even Rs. 30 or Rs. 40. When he has to communicate with his friends, for a generation past he has been in the habit of either purchasing a postcard for a pice or affixing thereon a one pice label. As soon as this Budget becomes law, and the Finance Bill changes the Post Office tariff, as often as he affixes his stamp he will say very hard things of the Government. He will say:

'This is a Government which, when yesterday I was paying one pice, to-day makes me pay two pice for the same post card, of the same size and of the same quality. I will have nothing to do with this Government.'

And remember, each postcard that is sent through the Post Office will become the emissary of discontent and restlessness of which we have sufficient already in this country. We who are interested in coping with the disorders in the country ask the Honourable Members seriously to consider the situation that will arise from the raising of the rate in the postage on postcards. It will be a perpetual reminder to the sender of a postcard of the evil effects of this Finance Bill. It is not merely a tax which he has to pay once or twice a year which he pays and very often forgets. But it is a fact which he will remember by day and by night, as often as he has to send a postcard or a letter. And that, I submit, is a question which cannot be lost sight of. It cannot be answered by logic. You have to see what would be the resultant gain to the Finance Department and what would be the resultant loss to the country at

[Dr. H. S. Gour.]

large. I therefore appeal to the Honourable Member (on behalf of Government) not to press the point as regards an increase in the rate on postcards. I am not impressed by the arguments advanced by my friend, Mr. Girdharilal Agarwala, that you can reduce the size of the postcard to half or one-third. My friend surely could not have put it forward very seriously, because the cost of transmission of a postcard, whether it is of the present size or half its size or one-fourth its size would be almost, if not exactly, the same. The same Post Office officials will stamp it; the same Post Office peon will deliver it; the same train will carry it; and as regards the difference in weight, that need not enter into our calculations. I therefore submit that the reduction of the size is no solution of the question. The only solution that occurs to me in this connection is to let alone the postage on the postcard. I do not know as to what extent the Finance Department will lose under this head. I am not quite at one with my Honourable friend Mr. Seshagiri Ayyar, when he says that the Post Office must be run as a public benevolence. My own view of the matter is that the Post Office must be run no doubt for the benefit of the public but a serious attempt must be made that the Post Office pays its way. The Honourable Mr. Maundar, who spoke on the subject, complained, and complained truly, of the backward state of the Post Office in the rural areas. For days, and sometimes for weeks, letters are not delivered. How can you expect any improvement in a Department which is a losing Department? I therefore submit, that so far as the Post Office management is concerned, it must be conducted on business lines, and I should be the last person to make it run as a charitable institution or as an institution intended for the benefit of the public at large. I see no reason whatever why, if I have to send my letter by post for my own convenience or the convenience of the addressee, somebody else, some other Honourable Member, should contribute his quota to the cost of the carriage of that letter. It is my work and I must pay for it. At the same time, the fact remains that the Government must not drive a hard bargain with me. I am perfectly certain, and it is an obvious fact which the Honourable the Finance Member has explained to the House, that the Post Office does not make any very large income from its working. The object of obtaining an increase of Rs. 2½ crores is to equalise and balance the accounts. If that be the object, I am perfectly certain, that this Honourable House will entirely agree with the Honourable the Finance Member's policy of revising the postal rates, and on that point I do not think there can be any difference of opinion. But there remains the question, that while we agree that there should be a revision of the rates, we also must consider as to which is the line of least resistance. We must remember that we must not stir up the dying embers of discontent in this country, and if we find that the value of the rise of the postage from one pice to two pice will be wholly incommensurate with the amount of discontent which will be caused in the country, I would pause before committing ourselves to this measure.

**The Honourable Mr. W. M. Hailey :** Sir, may I welcome the speech we have just heard from Dr Gour? It contains so sound a statement of the policy, which we ourselves commended to this House, in regard to the Post Office, so thorough a condemnation of the opposite theory that we should maintain the Post Office as we are maintaining the Police or any other utility service on a non-commercial basis, that I feel sure I carry with me a large number of the House in welcoming it throughout. I am consequently now going to assume that the House agrees with me, and not with some of those

Honourable Members who spoke this morning, in holding that the Post Office must not be a losing business.

I explained this morning, and I must be allowed to reiterate the fact, that if we do not increase our rates, we shall lose 40 to 50 lakhs this year. It is all very well to say with (I think) Mr. Raju, 'You have been running the department on such bad lines in the past that it is now involving you in loss.' My reply to that is, that the Imperial Legislative Council last winter demanded that we should appoint a committee to revise the pay of our staff; we did so, we honoured the bill, and the result is that a loss is inevitable, we are now doing our best to repair the loss.

Now with regard to the proposals for carrying out the policy so admirably enunciated by Dr. Gour just now. My net proposals are set to gain  $2\frac{1}{2}$  crores, and of that, postcards are responsible (allowing for some falling off on account of the increased rates which I propose to put on them), for 75 lakhs. Without that falling-off in numbers on account of the increased rates, our new rates would have brought us in 94 lakhs, but I have taken the figure for Budget purposes at 75 lakhs.

It is quite impossible for me to be blind to the fact that there is a very large number of Members in this House who are opposed to the raising of the rate of the postcard; and I believe that they do so with mixed feelings. I do not believe myself that there is a very strong feeling that it would be a real injury to the poor; but I think there is a genuine feeling that this House would hesitate to commit itself to a measure which would, as Dr. Gour said, remind the very numerous users of the postcard every time in the most patent way that the rate has gone up by a vote of this House. We do not want to lose money, and I do not think the House wants to lose money. I would, in consequence, be prepared to agree that we should abandon our proposals with regard to the postcard, but I do so in the firm hope that the House will not let us lose on letters. I am trespassing a little here on the next motion but my excuse is, that the question of postcards is to some extent mixed up with that of letters, and it is clear that we shall, if we raise our rates on letters at all lose a good deal because the postcard will be more largely resorted to. I hope, therefore, that the House will accept this proposal, that while we shall keep the postcard at the old standard rate we shall be allowed to raise the rate on the letters to one anna for  $2\frac{1}{2}$  tolas.

**Mr. T. V. Seshagiri Ayyar:** Sir, I do not want to discuss the academic question whether the post office business should be maintained as a public utility society or on a commercial basis. That does not very much affect the present question.

I do not agree with Sir Logie Watson on one matter. He spoke of percentages. The percentage in the case of a person drawing Rs. 10,000 a month or a lakh of rupees a year is quite different from percentage upon the income of poor people. I do not know whether he has studied the statistics with regard to this country. It is believed that the average income of a person in this country is Rs. 27 a year. That comes to Re. 0-1-6 or 0-1-3 a day, and out of that to ask him to pay three pies more for a communication is different from asking Sir Logie Watson to pay for his letter. Therefore, the statistics which he has been good enough to give us does not in the least affect the position. We have to look into the circumstances of the people who really use postcards. They are not persons of the standing of Sir Logie

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Watson. To ask persons getting Re. 0-1-3 every day to pay a quarter anna more out of that, is the most unsympathetic thing that any Government should attempt to do.

Mr. E. L. Price : I want to keep strictly in order when I have a few observations to make touching on the Honourable the Finance Member's suggestion. I do not know if my experience is correct. I am not a member of the Mothers' Union, but it is a body that occasionally writes to me and it sends me a prepaid reply postcard form. There are a number of other bodies, some that I belong to, and some that I do not, but they always seem to address me with a reply postcard. My own experience is that the enormous consumption of postcards is due not so much to its popularity among the people, but rather to the enormous use of the postcard by every sort of club or society or association for any purpose whatever. Personally, my own experience among poor people in Sind— Mr. Harchandrai can confirm me or contradict me— but my own experience is, in Sind we have a large number of domestic servants who come from Surat. We have a large number of mechanics who come from Cutch. We have a large number of people employed in all sorts of occupations whose real homes are far away from Karachi. My own experience is, that all these people write and receive not postcards, but letters, and I understand the reason is that they wish to communicate with their homes on various domestic and other delicate matters, and they object to revealing on a postcard in a vernacular understood by the post masters and postal peons, the nature of their communications. Well, Sir, the poor man is as much entitled, I think, to privacy about these personal and family matters as anybody else, and I suggest to the Honourable Mr. Hailey that if he can see his way, as he says, to keep the postcard at the old rate, it is a very big jump to make that concession only on the terms that he is to have no letter postage under an anna. So, as a commercial proposition I put to him that if he can carry a letter that weighs  $2\frac{1}{2}$  annas for a tola at a profit, I beg your pardon, if he can as a commercial proposition carry a letter that weighs  $2\frac{1}{2}$  tolas for an anna, proportionately he might carry  $1\frac{1}{4}$  tolas for half an anna. But I realise the cost of distribution and delivery is a bigger factor than the mere weight carried. Taking that into consideration, I suggest that he may possibly see his way to include a half-anna postage still for a letter that does not exceed one tola in weight. (Cries of ' $\frac{1}{2}$  tola'.) I say one tola for this reason, that I have myself in my own humble way experimented with paper and envelopes, and if we had been in a committee consisting of a dozen or half a dozen of us, I would have gladly put before that committee the sort of paper and envelope that you can weigh against half a tola and a tola. I assure the Members of the House that the nature and size of the communication that can be covered by half a tola is not really worth considering. But my proposition is, that this House ought really to accept Mr. Hailey's recommendation. He has made, as it were, a firm offer to enable him to carry on the post office without loss. But the jump from a quarter anna for a postcard to one anna minimum for a letter is against his own interests. He will drive people unwillingly to use postcards, who might just as well pay half an anna for a letter which would weigh very little more and cost the same amount for distribution, so that, as it were, my counter-offer to him is really a better mercantile proposition than his original offer to us.

**The Honourable the President:** The question is :

'That in Schedule III under the heading 'Postcards,' against the word 'single' the word, 'quarter of an anna' and against the words 'Reply' the words 'half an anna' be substituted for the words in the schedule.'

The motion was adopted.

**Dr. H. S. Gour:** When speaking, Sir, on the question of the postage on postcards I indicated that the ratio between a postcard and a letter cannot be profitably disturbed. If the Honourable the Finance Member will refer to the tables which he read out to this House earlier in the day, he will find that in all the countries to which he referred this morning the ratio between a postcard and a letter is 1 to 2, and that is for the very obvious reason that if you were to reduce or maintain the present rate of postage on a postcard and enhance by doubling the postage on a letter you will drive a very large number of people to write their communications on postcards to the exclusion of letters. I do not agree with my learned friend, Mr. Price, that people resort to letters for the purpose or from a sheer sense of writing what they regard as confidential communications. A great many people write letters because they see no difference between a post card and a letter. A great many people write postcards because they are so handy. The late Mr. Gladstone used to send all his communications as far as possible on postcards and the Gladstonian postcard was a well known thing of his day. Now I suggest, Sir, that if you are to enhance the postage on letters to one anna and retain that on postcards, the postoffice will not stand to gain much, and I therefore suggest for the consideration of the Honourable the Finance Member that he might be pleased to retain the present rate of postage on all letters not weighing more than half a tola. Now that was the postage prevalent in this country some years back and the only possible objection that I can see to the retention of this postage is that it will reintroduce the old evil of writing on very flimsy paper and that would have been my objection to the enhancement of the rate on newspapers to which Mr. Jatkar adverted. The newspaper proprietors, especially the vernacular newspaper proprietors, use the flimsiest of paper for the purpose of cheapening their production and minimising postage. That, I submit, is not conducive to the improvement of public taste, but if you are to reduce the weight for which you carry a letter, a great number of people will use inferior paper, but that is an evil which we must put up with. This is after all a Budget which will hold good for one year, after which period we shall have to revise our rates and I suggest to the Honourable the Finance Member that he might retain the present rate of postage for letters not exceeding half a tola in weight. Now as a counterpoise to the loss that the Honourable the Finance Member may anticipate from this proposal, I suggested to him and I suggest again, that the loss on postcards might be minimised by charging for the sale of postcards as it used to be some five years back. You will remember that a packet of postcards, that is to say, postcards with the stamp impressed thereon used to cost something like 3 or 4 pice for a packet of 12. If a similar charge is made, I do not think the public will grudge to buy a postcard. If you have got a postcard of the same size yourself, you are at liberty to affix upon it a one pice stamp and it will be carried by the post office, but if you want to buy the postcards from the post office, you can do so at the rate which the post office will fix and which would be a very small rate and I know as a matter of fact it was a very small rate for the sale of these postcards. I do not know how much the post office will gain by this course, but what I am



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trying to emphasise is that their losses will be minimised. To what extent they will be minimised I am unable to say. I can only throw out a suggestion, which might be worked up by the Honourable Member in charge of the Post Office and he might be able to enlighten the House as to how far it will be able to relieve the finances of the country by selling these cards to the people at the rate at which they used to be sold before. The price of paper has now gone up and a certain amount of margin must be left by way of profit to the post office. Now if this proposal is accepted, I feel, Sir, that this House will unanimously consent to it.

**Babu K. C. Neogy:** From 1850 when the Postal Commission was appointed by Lord Dalhousie down to the present day, the rate of postage and the minimum unit of weight have come up for revision from time to time, but until to-day the policy of Government has been to cheapen postage more and more. We find that the minimum which is suggested in this Resolution, that is, half an anna for half a tola, prevailed from 1869 to 1905. In 1905, the minimum was raised to three-quarters of a tola and later on to one tola as at present. Now, Sir, the policy which Government followed during those days was very well enunciated by a distinguished predecessor of the Honourable Mr. Huley, the Right Honourable Mr. Massey, who in 1866, while the Report of the Select Committee on the Post Office Bill was being considered in the Legislative Council of India, said, referring to the raising of the unit of weight, that he considered that :

‘The Post Office was so potent an engine of civilisation that no Government would be justified in allowing fiscal considerations to stand in the way of such an improvement.’

He proceeded to observe, at the same time, as the measure would involve in the first instance a considerable loss of revenue he would impress upon his colleagues the advisability of acting with caution. But if they should arrive at the conclusion that the existing unit of weight did check correspondence and was oppressive to the poorer classes of correspondents, he could only say that he would not recommend his colleagues to do otherwise than give a liberal reception to that conclusion.

Sir, this is my authority for stating that this question has to be approached not merely from the revenue point of view.

3 P.M.

Again, referring to the introduction of cheap postage in India during Lord Dalhousie's *regime*, Sir Edwin Arnold says :

‘These are measures which make real history, and not wars—as the constant flow of the spreading river fertilizes the country-side, and bears onward its boats and barks—not the violent, picturesque cataract.’

And to-day, Sir, we are making history the other way about—by taking away from the usefulness of the postal system, so that the military may flourish more and more.

**Mr. C. A. Innes:** Sir, I think that Mr. Neogy forgets that the reason why we are discussing these proposals to-day is because we have to meet in some way or other a deficit of 17 crores, and it is the duty of this House to arrive at a right and wise decision as to how best we can make up that great deficit. Nobody, certainly in the Commerce Department, wishes in any way to tax communications, but we decided after the most careful consideration

that by raising the postal rates in the manner that we suggest we should raise a very large amount of revenue at the cost of very little hardship to the people. We hope to get out of the increased postcard rate, 75 lakhs of rupees; we hope to get out of our proposals for increasing the letter rate, 96 lakhs of rupees. Now, Sir, in deference to the views of the House the Honourable the Finance Member has given up our proposals in respect of postcards, that is, he has sacrificed 75 lakhs of rupees. Now, it remains for us to decide whether we are also going to sacrifice the 96 lakhs of rupees which we hope to make out of these revised letter rates. It seems to me that there are three courses open to the House. Either we can retain our existing postal rates, that is, the initial rate being half an anna for one tola or, as suggested by Dr. Gour, we can revert to our former practice and charge half an anna for a weight not exceeding half a tola, or we can accept the proposal which has been put before the House by the Government of India and raise our rates to one anna for a weight not exceeding  $2\frac{1}{2}$  tolas. Now, the objection to retaining the existing postal rates obviously is, that we make no revenue at all. We have sacrificed 75 lakhs of rupees over the postcards, and, if the House accepts this proposal, we shall proceed to sacrifice 96 lakhs of rupees out of the letter rates. Now, this House will realise that we have still got this deficit of 17 crores to make up, and if we give away revenue like this we shall not be able to make up that deficit. I suggest, therefore, that this ought to be very carefully considered before the House goes back upon this proposal and decides to retain the existing letter rates.

I now come to the proposal that we should revert to the rate of half an anna for a weight not exceeding half a tola. My first objection to that is, that we shall make very little revenue out of it. We have tried to make a rough calculation of the amount of revenue that we should get by adopting this proposal and, as far as I can ascertain, we should not make more than 20 lakhs of rupees at the most. In addition to that, from the technical, from the Post Office point of view and also from the business point of view, there is a very great objection to having so small a weight as half a tola. In the first place, as Mr. Price, I think, pointed out, it means the use of extraordinarily flimsy and bad paper. In the second place, and this is a much more serious objection, if you have a half-anna rate for half a tola, there is a grave administrative inconvenience in the Post Office and grave inconvenience to the public, for letters are continually being found to be overweight, and overpayments have to be made, that is to say, we have to send these letters round by postal peons to the addressees and we have to collect from those addressees double the proper postage. That does not pay us. We have to do it because we have to maintain our rule, but it means more staff, more expense and very little revenue. From the postal point of view the half-anna rate for half a tola letter is a bad proposal.

I now come to the proposal which the Government of India have made. I admit at once the force of Dr. Gour's objection that there is a large gap between a 3-pie postcard and a one-anna letter, the initial letter charge being as much as one anna. We have calculated what we should get by reverting to the 3-pie postcard and adhering to our proposal of an initial charge of one anna for a weight not exceeding  $2\frac{1}{2}$  tolas. We admit that probably a large number of communications which otherwise would have gone by letter will now be sent by postcard, but probably it will not be as much as might be thought, because, as has been pointed out to-day, there are various kinds of communications which cannot be sent by

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postcard. At any rate, the final conclusion that we have arrived at is that by reverting to the 3-pie postcard and retaining a one-anna letter for a weight not exceeding  $2\frac{1}{2}$  tolas, we should make on this revised letter rate 50 lakhs of rupees.

Now, I think in almost every civilised country the ordinary procedure is for the initial rate for a letter to be fairly high and for a liberal weight to be given. In England, the initial rate is 2d. but they are allowed up to 3 ounces; in France, the initial rate is 25 centimes, that is  $2\frac{1}{2}$ d.; in Italy, the initial rate is 2 centesimi, that is  $2\frac{1}{2}$ d.; in Ceylon, the initial rate is a penny; in East Africa, it is a penny; in almost every country, the initial rate for a letter is now a penny which is equivalent to one anna. By adopting the high initial rate of one anna and by allowing a liberal weight for that, we rope in all letters. It is convenient from our point of view, it is in accordance with the practice of practically every country and we assume—and this is a point I wish to impress upon the House—that it will bring in a revenue of 50 lakhs of rupees; and I am sure, that the House will realise that they cannot lightly throw away that revenue.

**Dr. Nanul Lal :** Sir, there is no doubt about it that we want revenue and that revenue must be collected from some source. My submission before the House is this, that wisdom lies in the selection of that source. Money we want no doubt, but wisdom lies, as I have submitted, in selecting the proper source. The source, which has been debated upon, before the House to-day, is not the proper source which should be applied to for the collection of our revenue.

I must thank the Honourable Mr. Huley, the Finance Member, for the concession which he has made in regard to postcards, and I give him credit for that. As I have submitted, the selection of the source is the most necessary thing. Therefore, let us examine as to whether these postal charges which are being increased will pay us eventually or not.

In order to determine this question we have to see whether the Postal Department is a Department which should necessarily be a paying one and only in that case it should be established and maintained. My answer to this, differing from Dr. Gour, would be, that the Postal Department is one of those Departments which should be established and maintained by the Government. It is one of the paramount duties of Government to see that there is a Postal Department in the country which that Government rules.

There is another point which is in support of this contention, that the Postal Department should be maintained even if it does not pay at all. For instance, if there is no Postal Department, how can communications be made. In order to keep communication in continuity, it is necessary that this establishment should be maintained by the Government, whether it pays or not.

Now, as to the point whether the proposed increase in regard to letters will really bring more revenue to us or not. This aspect of the question has to be examined with reference to two phases—one, whether it will not be taken as an innovation, not only an innovation but a startling innovation so far as the sentiment of the people is concerned. People are used to half-anna letters and they will begin to say at once ‘Hullo, the Government is going to charge us heavily.’ This sentiment, this idea, which will really occupy the mind

of the people, cannot do any good politically to us at this juncture. We ought to give serious consideration to this point also. Assuming, for the sake of argument, that it may bring the revenue which is contemplated by the Honourable the Finance Member, at what cost shall we be collecting this revenue that also has to be considered. The great praise which we find lavished on the present Government at this time is that every peasant, every man in the village says 'What a good Government this is; you pay only half an anna and you can shake hands with your friend in Bombay or Madras.' By 'shaking hands' I mean, of course, that you can communicate, I use the words in a popular sense. Owing to the postal facilities people say, 'This is a nice Government. No previous Government did this amount of kindness.' Now this idea will be removed, and so far as the maintenance of this good opinion of the people is concerned, we should jealously and religiously pay deep consideration to their sentiments. Now I am placing this idea before this Honourable House—Will there not be some displacement in their sentiment, if they are saddled with these heavy postage charges? If you agree with me that there will be some sort of change, then the collection of this revenue politically will not be paying to us at all. Therefore on this ground, my submission is this; let it remain as it has been, because this is not the proper time to make innovations and changes which may be opposed to the wishes of the people.

Taking the other aspect of the question, as it has already been argued and very ably discussed, that if you increase the half-anna letter postage or postal charge on a letter, then every one would like to use postcards. Admitting the soundness of this argument, it may be submitted, that there will be a comparatively smaller number of people who will use *liffafax, &c.*, those who will write letters. So on the economic side also, there will not be much gain—in fact, there will be no gain; and on the political side, we shall be losers. Then ultimately this innovation will not pay us at all. I very respectfully suggest to the Honourable Mr. Huiley, the Finance Member—let the old system remain. The suggestion propounded in this amendment deserves to be accepted. With these few remarks I very respectfully appeal to this House that they will support this amendment which speaks for itself.

**Mr. R. A. Spence:** Mr. President, I am very sorry that after the very excellent speech of the Honourable the Finance Member and the speech of my Honourable friend, Mr. Price, with which I am in complete agreement, I shall have to weary you with any remarks at all, but certain remarks have been made in the course of the debate to which I should like to draw the Honourable Member's attention.

Some Members here present have said that the Post Office, like education, should be a matter which the people should have, practically speaking, free; they should not have to pay for it. Now, I do not think we can agree with that. We do agree, I believe, that education ought to be given to the people as cheaply as possible. That is because you want education to make a man a fit citizen. But it is not necessary that that man should write letters and postcards to be a fit citizen, and every penny that you charge to Government for allowing that gentleman to send his letters is going to take away from the money that is wanted for education. You cannot find enough money for education, and yet you want to go and tell the Honourable the Finance Member that he must throw more money away on the poor people's postcards and letters.

[ Mr. R. A. Spence. ]

Well now, we have agreed as regards postcards. The Honourable the Finance Member has asked us to agree in regard to letters. My Honourable friend, Mr. Price, has asked the Honourable the Finance Member, 'Will you not, Sir, make a concession as regards letters that don't weigh more than a tola,' and I would ask this House to accept that and take letters not exceeding one tola. We were told that half a tola was too flimsy for anything, and, therefore, we ask that letters weighing one tola should go for half an anna, anything above that, one anna. I am sure, Mr. President, that it would really meet with the views of the people of this country, and those are the views we want to meet, if that amendment were carried.

**Khan Bahadur Chaudhuri Wajid Hussain:** Sir, with due deference to Dr. Nand Lal and with due deference to Mr. Spence, I do not think it is a question of whether we should keep the Post Office free or whether we should keep education free. It is a more serious question than this. The question is this. A deficit has been caused in the Budget, which is a Budget of the people. We have to meet that deficit somehow, and it is our sacred duty, I might almost say, to find the money somehow. I do not agree that the raising of the postage on letters to one anna will cause the discontent that Dr. Nand Lal apprehends. It will certainly cause no hardship. While I am very glad that the postage on postcards has been reduced from half an anna to quarter of an anna, because it will save a lot of discontent, I do not think we need be afraid that the raising of the postage from half an anna to one anna will cause any discontent, because this will affect the pockets of people who can well afford it and who are sensible enough to see that they must make some sacrifice for the great experiment which is being tried in this country. People will take more interest in this—of course it is a side issue—they will take more interest in the Reforms if they know they are paying for the Reforms out of their pockets every morning and every evening. I certainly think it will not cause any discontent. Of course I should have preferred—and I am personally interested in it as much as anybody else—that the postage should be kept down to half an anna. But we have to meet the money somehow and the only possible way seems to be to raise the postage from half an anna to one anna. I would ask Members of this Assembly to consider this question in the spirit in which a Mughal Emperor considered the question of removing one of his unpopular ministers. He had a very unpopular minister and the people came and asked him to remove the minister. The minister was a very able man, and was the only man available. The Mughal Emperor turned round and said, 'Well, you bring a better minister, and you can kill this minister.' So, if you are dissatisfied with the raising of the half-anna postage to one anna, I would ask you to suggest a better means of meeting this serious deficit, and then you can do away with the one anna postage. After all it has to be remembered that the position before us is a very serious one. It is a very serious problem, and we have to take some bold step. It was a bold step to raise the postcard from one pice to two pice; well, that step has been abandoned; but you have to take another bold step. You have to set a trap to catch a thief. The whole question is whether you should take a bold step against the poor or against the rich. It is better and safer to take a bold step against the rich than to take it against the poor. I therefore ask my brothers in this House to consider the problem very seriously and I need hardly remind them that this Budget will be the touch-stone of their

work. This Budget being the first Budget will shape the verdict of the world waiting outside on their work. It is a Budget that will shape the verdict of posterity on their work. You have to take some strong and sturdy action. Without such action you cannot possibly carry on the work.

**Mr. A. D. Pickford:** I move, Sir, that the question be now put.

**The Honourable Mr. W. M. Hailey:** Sir, I agree with the theories put forward by Mr. Spence just now; but I cannot agree with the definite proposition in which he suggested they should be given effect to. For what did he propose? He proposed that we should keep exactly the same old rates as we have at present in practice; in other words as my Honourable friend, Mr. Innes, pointed out, we should make no money at all over our letters. I do not think that is sound. I do not believe myself that when we have once given the country back its cherished quarter-anna post-card, any body will blame us if we make something over the letters. I believe myself, that knowing that we have to make some sacrifices, the public will not resent our placing an additional burden on the shoulders of those Members of the public who use letters. After all it is quite clear that the poor man can no longer be seriously affected. We have heard varying arguments as to the reasons why people use the letter instead of the postcard. It is stated on the one hand that they use the letter for greater secrecy. Other Members have doubted this. I fancy that if anybody had a secret to impart, or had some highly confidential matter to be sent to a relative or a friend, he would not grudge spending one anna on it. For what after all is the anna now? Mr. Neogy referred to the arguments used by Government in support of cheap postage in the past. Well, I claim that the one anna now is after all only the equivalent of the half-anna of those days. Take the country as a whole; in some cases professional incomes have gone up, and in other cases wages have gone up; but taking the country as a whole I claim that there is very little difference now between the one anna of to-day and the half anna of those early and happy days when the old rates of postage were introduced.

Sir, I have no more to say on the abstract of general aspects of this subject. I only appeal in conclusion to the House to consider those administrative difficulties to which Mr. Innes referred. There is no doubt whatever that the public will resent our going back to the half-tola postage. I remember well the difficulties caused by the half-anna system. I remember seeing letters continually coming to my servants surcharged or overcharged; I know the trouble that people had to take to assure themselves that their letters should be of the exact weight. It is undoubtedly harrassing to the sender of a letter to have to assure himself that his communication does not exceed the legal weight; it is equally harrassing to the recipient to be charged double for it on account of the mistake made by the sender. It would be a mistake to reintroduce a system of that kind. On the other hand, take what we propose to do; we propose to take a good lump all-round weight of  $2\frac{1}{2}$  tolas which will admit any kind or class of letter. From the administrative point of view, it is an easy solution of all our difficulties. I would ask those friends of mine who, while they are prepared to follow us in raising additional revenue, are not afraid of placing this slight extra burden on the ordinary man, not on the poor man, but on the ordinary man, I would ask them to follow me and plump for one anna for  $2\frac{1}{2}$  tolas.

**Mr. K. G. Bagde:** Sir, before making the remarks which I want to make, it is my duty to remove any misunderstanding that is likely to arise from

[ Mr. K. G. Bagde. ]

those remarks. I myself have given notice of an amendment and in that amendment I suggested half an anna for weights not exceeding  $\frac{1}{2}$  tola in the case of letters. There are also two further particulars; in short, I wanted to retain the old rates. But we have now been told that in resorting to the old rates in the case of post cards we will lose about Rs. 75 lakhs according to the calculation just now given to us. This information has caused a good deal of confusion in my mind, and I want to bring to the notice of this Honourable Assembly our responsibility. For full six days we have considered the demands for grants, and the utmost saving that we could effect, I think if I am right, amounted to something about Rs. 1 crore and 30 lakhs. Deducting this from the Rs. 19 crores which the Finance Member has told us we want this year to meet our deficit, we shall have to raise by taxation an amount to the extent of Rs. 17 crores 70 lakhs.

Now as we have sanctioned these grants, I think it is incumbent on us to see that so much money at least is provided to the Government. The Honourable Mr. Innes told us that there would be a great loss if we adopted half an anna for letters. Now if we take the agenda paper of to-day, we find that there are so many items on which we want to propose reduction. If we see that there are certain items which require our attention more promptly than this postal item, I think we shall have to think twice in giving our opinion on the item now under consideration. The first thing that comes to our mind is that letters cannot be classed under the head of necessities. There are certain proposal on which we see a surcharge is proposed, for instance on food grains, pulses, fodder, fuel and so on. Now these are all very necessary articles consumed by the poor people of India, and nobody will, I think, oppose me when I say that the importance of these articles is far greater than a means of convenience and cheap correspondence, and if we deduct from Rs. 130 lakhs Rs. 75 lakhs we come to the figure of Rs. 55 lakhs only, that is, if we attempt any further reduction we can do it to the extent of Rs. 55 lakhs only. So we shall have to think whether we are going to have that reduction in the case of postal charges or whether we are going to have that reduction in the case of articles which are more necessary for the poorer classes of the people of this country. I do not venture to express my own individual opinion in this case, but I humbly beg to draw the attention of this Honourable House to this position in which we are at present. With these words I conclude my remarks.

**Mr. A. D. Pickford:** I move, Sir, that the question be now put. .

**The Honourable the President:** The question is, that the question be now put.

The motion was adopted.

**The Honourable the President:** The amendment moved in Schedule III is :

‘The following be substituted under the heading ‘Letters’:

‘For a weight not exceeding half a tola . . . . . half an anna.

For a weight exceeding half a tola and not exceeding one tola . . . . . One anna.

For every tola or fraction thereof exceeding one tola . . . . . One anna.’

The question I have to put, is :

‘That those words be substituted for the words in the Schedule.’

The Assembly divided as follows :

AYES—31.

Abdulla, Mr. S. M.  
 Agarwala, Lala G. L.  
 Ahmed, Mr. Zahir-ud-Din.  
 Asjad-ul-lah, Maulvi Miyan.  
 Aiyer, Sir Sivaswamy.  
 Ayyar, Mr. T. V. Seshagiri.  
 Bagde, Mr. K. G.  
 Bajpai, Mr. S. P.  
 Bhargava, Mr. J.  
 Das, Babu Braja Sundar.  
 Girdhardas, Mr. N.  
 Iswar Saran, Mr.  
 Jatkar, Mr. B. H. R.  
 Joshi, Mr. N. M.  
 Lakshmi Narayan Lal, Mr.  
 Latthe, Mr. A. B.

Mahmood Schamnad, Mr.  
 Man Singh, Bhai.  
 Mudaliar, Mr. San banda.  
 Muhammad Hussain, Mr. T.  
 Mukherjee, Mr. T.  
 Nand Lal, Dr.  
 Nag, Mr. Girish Chandra.  
 Neogy, Babu Khitish Chandra.  
 Rangachariar, Mr. Tiruvengkata.  
 Rao, Mr. P. V. Srinivasa.  
 Reddiyar, Mr. M. K.  
 Samarth, Mr. N. M.  
 Shah, Mr. Rajan Baksh.  
 Sircar, Mr. N. C.  
 Venkatapatiraju, Mr. B.

NOES—53.

Abdul Quadir, Maulvi.  
 Afsar-ul-Mulk Akram Hussain,  
 Prince,  
 Ahmed, Mr. K.  
 Aiyar, Mr. A. V. V.  
 Barodawalla, Mr. S. K.  
 Barua, Srijut Debi Charan.  
 Bishambhar Nath, Mr.  
 Bryant, Mr. J. C.  
 Carter, Sir Frank.  
 Crookshank, Sir Sydney.  
 Dentith, Mr. A. W.  
 Dwarkadas, Mr. J.  
 Fell, Sir Godfrey.  
 Ghulam Sarwar Khan, Mr. Chau-  
 dhuri.  
 Gidney, Lt.-Col. H. A. J.  
 Ginwala, Mr. P. P.  
 Gour, P. H. S.  
 Gulab Singh, Sardar.  
 Habibullah, Mr. Mahomed.  
 Hailey, The Honourable Mr. W. M.  
 Hajeebhoy, Mr. Mahomed.  
 Holland, The Honourable Sir  
 Thomas.  
 Hullah, Mr. J.  
 Hutchinson, Mr. H. N.  
 Innes, Mr. C. A.

Jejeebhoy, Sir Jamsetjee.  
 Kabraji, Mr. J. K. N.  
 Keith, Mr. W. J.  
 Maw, Mr. W. N.  
 McCarthy, Mr. Frank.  
 Mitter, Mr. D. K.  
 Misra, Mr. Piyari Lal.  
 Mukherjee, Babu J. N.  
 Nabi Hadi, Mr.  
 Norton, Mr. Eardley.  
 O'Donnell, Mr. S. P.  
 Percival, Mr. P. E.  
 Pickford, Mr. A. D.  
 Price, Mr. E. L.  
 Ramji, Mr. Mammohandas.  
 Rerouf, Mr. W. C.  
 Saiyid Muhammad Ismail, Mr.  
 Sarfaraz Hussain Khan, Mr.  
 Sen, Mr. Sarat Chandra.  
 Shahab-ud-Din, Mr. Chaudhuri.  
 Sharp, Mr. H.  
 Spence, Mr. R. A.  
 Spry, Mr. H. E.  
 Vishindas, Mr. Harchandrai.  
 Waghorn, Colonel W. D.  
 Wajid Hussain, Mr.  
 Watson, Sir Logie Pirie.  
 Wild, Mr. C. E.

The motion was negatived.

The Honourable the President Order, order. The next amendment is in Schedule III under the head 'Registered Newspapers' :

That the following words be substituted :

For a weight not exceeding 8 tolas . . . . . quarter of an anna.

For a weight exceeding 8 tolas and not exceeding 15 tolas . . . . . half an anna.

For every 15 tolas or a fraction thereof exceeding 15 tolas . . . . . half an anna.'

**Mr. Sambanda Mudaliar:** Sir, may I point out that there is an amendment standing in my name. It is No. 115 on page 12. May I move it?



**The Honourable the President:** By general agreement the discussion was taken on the amendment, in three sections, namely, post cards, letters and registered newspapers, which stands in the name of Mr. Jatkar. That amendment was moved as a whole and I have put it from the Chair in sections in order to give the Assembly an opportunity to vote. Regarding the position of other amendments on the paper, I shall have something to say on them when we reach them.

**Lala Girdharilal Agarwala:** Sir, I should like to know whether I can move my amendment which runs:

‘Provided that Local Postage shall in every case be half of the Inland postage with a minimum of quarter of an anna.’

**The Honourable the President:** At what point does the Honourable Member wish to move that? After all the amendments are finished?

**Lala Girdharilal Agarwala:** Yes, Sir.

**Mr. N. M. Joshi:** Sir, I rise to support the motion of my Honourable friend, Mr. Jatkar. I think it is reasonable to allow newspapers weighing up to 8 tolas to go for a  $\frac{1}{4}$  anna as is proposed. Most of the vernacular newspapers generally weigh about that, and I think that it is in the interests of the country generally that newspapers should be allowed to spread from place to place and therefore I think this proposal is a very sound one and I hope the Assembly will accept it.

**Mr. J. K. N. Kabraji:** Sir, as we have lost a lot of revenue which was expected out of the proposed increase on postcards, it seems necessary now to consider how much can be made up by revising the postage on other items. It cannot be said that the increase on the postage of newspapers will affect the poor, and I certainly do not see why newspapers should be carried by the Post Office at less than the actual cost. I believe I am correct in saying that it does not pay the Post Office to carry newspapers for a  $\frac{1}{4}$  anna. Not only that, but a good many newspapers which get the advantage of the  $\frac{1}{4}$  anna rate, are full of advertisements. So that the Post Office carries newspapers, a great part of which is advertisement, at a losing rate of postage. What I have proposed in my amendment is to delete the quarter anna postage, for this reason that in the original schedule attached to the Act of 1898 the quarter anna does not exist in regard to registered newspapers. It does exist as regards ordinary newspapers not exceeding 3 tolas, but as hardly any newspaper comes within that weight, it has been proposed to abolish that rate in regard to ordinary newspapers. There is no reason then why a change should be made in the Schedule attached to the Act itself which prescribes maximum rates and in which quarter anna does not find a place in regard to registered newspapers. I therefore propose that the quarter anna rate in Mr. Jatkar's amendment should be deleted, and in order that any papers which have to struggle for existence may make their position good in the country—there are very few of them—I have proposed that an exception may be made in their favour by the Post Master General, if this is thought necessary. But I do not insist upon that provision. It might be kept or it might be deleted. The more important point is that quarter anna postage rates should not apply to newspapers, and that will enable the Post Office to make up a part of the loss on postcards. I therefore oppose Mr. Jatkar's

amendment and would recommend that that part of it regarding quarter anna should be omitted.

**Mr. Harchandrai Vishindas:** Sir, I entirely support the remarks which have fallen from Mr. Kabraji and I have one argument to add. I think that newspapers are a proper object to which we should resort for our income. For this reason: The other day Mr. Spence told us, when we were considering the question of a general tax on liquors, that he could with great ease transfer the tax to his consumer. Likewise, the newspapers would also transfer this charge to their consumers. And as the purchaser or subscriber to a newspaper is generally a well-to-do man and can very easily afford this small addition, therefore, this proposal of Mr. Kabraji's serves two purposes, *viz.*, on the one hand, it taxes a rich man and on the other it gives us some substantial revenue. Of course, I oppose Mr. Jatkar's amendment.

**Mr. C. A. Innes:** Sir, I agree with the last two speakers in opposing this amendment. Both of them have been perfectly correct in saying that the Post Office loses on every single newspaper which it now carries for three pies. Sir, just now strong objection was raised to revising the rate of the three-pie post card in the interest of the poor. Now, we are proposing a very small increase in the postage rate of newspapers, for we are only lowering the weight from 8 tolas to 5 tolas, and the House is asked by Mr. Joshi and Mr. Jatkar to reject this proposal not in the interest of the poor but in the interest of the well-to-do, of the classes who read newspapers.

**Mr. N. M. Joshi:** In the interests of progress.

**Mr. C. A. Innes:** Mr. Joshi says, it is in the interests of progress. That reminds me of an argument which was advanced this morning in regard to this proposed increase in the rate of newspapers. It was said, that our proposal was a tax on knowledge. I deny that absolutely. It is not a tax on knowledge. If we get down to the facts, it is a slight reduction in the subsidy which the Post Office is now making to knowledge. The Post Office is so hard up that we cannot afford to go on making this subsidy at the present rate. We have to reduce it, and the Government have tried to reduce it as little as possible. We only reduce the weight which may be taken for three pies very slightly. In the circumstances, I hope that the House will reject the amendment.

**Rao Bahadur T. Rangachariar:** May I inquire, Sir, whether there is any objection to retaining the second clause here in the amendment, *viz.* :

'For a weight not exceeding 15 tolas, half an anna.'

That will bring in more money to the Post Office because Government propose 20 tolas for half an anna, whereas the amendment proposes 15 tolas for half an anna'.

I think newspapers which go up to 20 tolas can afford to pay more because they get more in advertisements. I do not see why we should make a present to these newspapers that weigh more than 15 tolas. Government cannot have any objection to this portion of the amendment at least, and if they will accept it, we will accept the Government motion.

**The Honourable Mr. W. M. Hailey:** I believe myself in the words of the poet, slightly reversed:

'Take all thou canst; High Heaven rejects the law  
Of nicely calculated less or more'.

[ Mr. W. M. Hailey.]

I am quite prepared, Sir, to accept the last two sections of this proposal.

**The Honourable the President:** I shall put the question in this way :

‘ Under the arrangement suggested the schedule under the heading ‘ Registered Newspapers ’ will be :

For a weight not exceeding five tolas . . . . .	quarter of an anna.
For a weight exceeding five tolas and not exceeding 15 tolas . . . . .	half an anna.
For every 15 tolas or a fraction thereof exceeding 15 tolas . . . . .	half an anna.

The question is, that the Schedule be amended in that respect.

The motion was adopted.

**The Honourable the President:** Now, there are a series of amendments which have been substantially covered by the discussion on the three points, letters, post cards, and registered newspapers. I am prepared to hear from the author of any amendment regarding the merits of his own particular amendment. But I would suggest that in substance the discussion which we have already had has practically covered the whole ground.

**Rao Bahadur T. Rangachariar:** May I, with your permission, Sir, point out that there is a difference between  $\frac{1}{2}$  a tola and  $2\frac{1}{2}$  tolas and between one tola and  $2\frac{1}{2}$  tolas. Now we want letters above one tola to pay more. By all means let letters of one tola pay one anna. But letters above one tola may pay more, because the users of these big envelopes which we get ought to pay more.

**The Honourable the President:** I do not find any such amendment on the paper in the Honourable Member's name.

**Rao Bahadur T. Rangachariar:** No. 115, Sir, which says, for a weight not exceeding one tola . . . . .

**The Honourable the President:** I said I was prepared to hear any Honourable Member on the merits of his own amendment.

**Rao Bahadur T. Rangachariar :** I beg your pardon, Sir.

**Mr. Sambanda Mudaliar :** Sir, I beg to move the amendment that stands in my name which the Honourable Members will find at  
4 P.M. page 12, No. 115\*:

\* ‘ That for the entries under the heads ‘ Letters ’ and ‘ Post cards ’ the following be substituted, namely :

*Letters.*

For a weight not exceeding one tola . . . . .	half an anna.
For a weight exceeding one tola . . . . .	one anna.
For every tola or fraction thereof exceeding one tola . . . . .	one anna.

*Post cards.*

Single . . . . .	quarter of an anna -
Reply . . . . .	half an anna.

**The Honourable the President :** Will the Honourable Member suggest in what way his amendment is different from the previous one ?

**Mr. Sambanda Mudaliar :** The amendment moved by Mr. Jatkar stated :

‘ for a weight not exceeding half a tola, half anna ;’

whereas mine is, for a weight not exceeding one tola half an anna. There is a world of difference between the two. For a weight exceeding one tola, one anna ; and for every tola or fraction thereof exceeding one tola, one anna.

**The Honourable the President :** Then the motion standing in the name of Mr. Price takes precedence.

**Mr. E. L. Price :** I am perfectly satisfied that the motion I had put down has been fully discussed and dealt with.

**Mr. Sambanda Mudaliar :** I may state that I am prepared to omit the first portion, namely, for a weight not exceeding one tola, half an anna, because, this has been substantially met by the amendment which has been proposed by Mr. Jatkar. I shall state the reasons which induce me to move the amendment in regard to clauses (2) and (3), namely, for a weight not exceeding one tola, one anna and for every tola or fraction thereof exceeding one tola, one anna. If you will allow me, Sir, I will go on.

**The Honourable the President :** The Honourable Member may move his amendment.

**Mr. Sambanda Mudaliar :** Sir, I quite realise the position of Government when they want to raise money to meet the deficit, and I believe that the House will agree with me when I say that we are prepared to devise some means to raise money . . . .

**Mr. H. E. Spry :** May I know what the Honourable Member is moving ?

**Mr. Sambanda Mudaliar :** My amendment is this, that is, the second portion, namely, for a weight not exceeding one tola, one anna, and for every tola or fraction thereof exceeding one tola, one anna. Now, Honourable Members of the House will be pleased to see that in the proposal of the Government it is stated that for  $2\frac{1}{2}$  tolas one anna will be charged. Now, I make a slight modification with regard to that, namely, for a weight not exceeding one tola one anna, and for every tola or fraction thereof exceeding one tola one anna. I hope that this will meet with the approval of the House.

**Rao Bahadur T. Rangachariar :** I wish to support this amendment. The point of this amendment is this. The proposal made by the Government is that any letter up to  $2\frac{1}{2}$  tolas can pay one anna, that is to say, a letter written by a poor ryot on ordinary thin paper has to pay one anna and a letter written in that big square envelope of the quarto and octavo size with which we are supplied has to pay one anna. Now this proposal has the merit of taxing the people who can afford to pay and of bringing in more revenue by making people, who can afford, to pay more, who use costly stationery. If people use costly and thick paper, why should they not pay more ? Let us be taxed and not the poor man. I therefore heartily support this amendment.

**Mr. N. M. Joshi :** I also support this amendment. For the sake of revenue, I think it is better that we should get that revenue from the people who can afford to pay. To my mind, the proposal for the half anna postage was the most reasonable proposal. Unfortunately for administrative convenience and for seeing that some good people are not harassed, we have been deprived of that convenience. I therefore feel that we should get as much revenue as possible from those who can afford to pay.

**Mr. E. L. Price :** I suppose that Government must be simply amazed at the generosity of this proposal. There have been complaints about the tendency of inland postage to get dear, but at this rate it works out roughly to  $2\frac{1}{2}$  annas on every ounce, so that a five ounce letter, which is a common commercial size, would cost full twelve annas. You might make a fortune for Government, but I really suggest that it can hardly be accepted by a population dependent on communication by post.

**Mr. C. A. Innes :** Sir, I agree with the gentleman who has just spoken, namely, Mr. Price. I would point out that our proposal to charge one anna for a weight not exceeding  $2\frac{1}{2}$  tolas is not a particularly liberal proposal, because  $2\frac{1}{2}$  tolas equal only one ounce. Therefore, we are charging one anna for one ounce and in making that proposal we were following the procedure and the practice, as I have already explained, of practically every civilised Government. That is to say, we have a high initial charge; we allow rather a liberal weight, and in that way we throw our net wide and make revenue. I quite agree that if we adopted Mr. Rangachariar's amendment and charged one anna for one tola we should get more revenue, but at the same time I am quite certain that we should cause great hardship to the post-using population of India, and to trade, we should also inconvenience the Post Office. Mr. Rangachariar has fallen into the error which I dealt with earlier in the afternoon, that is of making the steps between our charges too small. If we adopted a one anna rate for one tola, it will cause inconvenience to the public. You would have the postal peons always coming round to you and saying, 'This letter is understamped, you have got to pay me two annas'. Now in speaking just now about our proposal to raise the 3-pie post card to 6 pies, great stress was laid on the fact that the poor clerks and the poor people in the country would find that they had to pay six pies for what had cost them three pies before and that there would be great unrest in the country. There will be far more unrest if all our clerks, peons and people who use the letter post find that in future they have to pay an anna for the tiniest little letter and in addition always have postal peons coming and demanding two annas from them for understamped letters. In proposing an anna for a weight not exceeding  $2\frac{1}{2}$  tolas and then half an anna for every additional  $2\frac{1}{2}$  tolas we adopted the principle which is followed in European countries. If this House thinks that half an anna for every additional  $2\frac{1}{2}$  tolas is too small a charge, perhaps we might make a compromise. I merely throw out the suggestion that for a weight not exceeding  $2\frac{1}{2}$  tolas we should charge one anna and for every  $2\frac{1}{2}$  tolas or fraction thereof exceeding  $2\frac{1}{2}$  tolas one anna. That will, I think, be a reasonable solution that possibly might meet the feeling of the House.

**Mr. B. Venkatapatiraju :** Sir, after hearing the Honourable Mr. Innes rejecting the proposal made by one of the Members of this Assembly asking

for an increased revenue by reducing the weight, an apology comes from the Government Benches, 'We do not want so much money' (Cries of 'No, no; not at all') on the ground that it would affect some section of the population. Now, which is the section that would be affected? The persons who would be affected are those who write letters which would weigh more than one tola. I can assure this Assembly that 90 per cent. of the Indians do not write any letters exceeding one tola in weight. So that for this small section you do not accept this proposal which brings in revenue. Sir, this is not the place to show any distinction, and I hope the Government will accept this proposal.

**Munshi Iswar Saran:** Sir, I must confess that the arguments advanced by the Honourable Mr. Innes do not convince me at all. While discussing the question of postage on newspapers, he said that the amendment was proposed in favour of the classes that read them. Is he not now supporting the classes that want to use fashionable paper and fashionable envelopes? Sir, I do not agree with the last speaker when he says that 90 per cent. of Indians do not write letters which weigh more than one tola. Unfortunately, or fortunately, the number of culprits amongst us is increasing very fast, and the number of those who write on thick paper is increasing very rapidly. To us it does not matter who is affected by the amendment. What I submit is that those who wish to indulge in the luxury of writing on fashionable and thick paper ought to know that they have got to pay for their luxury. Then we were told by Mr. Innes that it would be very inconvenient. I could understand this argument if the Post Office people had in no case to weigh letters. They have even now got to weigh after  $2\frac{1}{2}$  tolas. Where is the difficulty if they have to weigh after 1 tola? In view of the machinery which the Government have at their disposal in the Post office establishment, there is not much force in the argument of inconvenience. I submit, Sir, that we here are really in charge of the interests of the poor as well as the rich. It will not look well for us, specially when we have increased the postage in the case of the poor people to try to save ourselves and people of our class, and to see that we are not affected by any change that might be decided here. I therefore submit, Sir, that we should, to use the words of my learned and Honourable friend Mr. Norton, give example of renunciation. We should show by our action and not by speeches that if we are prepared to tax the poor people, we at the same time do not resort to devices in order to escape payment ourselves.

**Mr. Eardley Norton:** May I ask a question of the Honourable Member? Under the heading 'No. 12 Demand' there is an item of Rs. 2,14,38,000 debited against Railways, Posts and Telegraphs on account of Exchange. I would ask the Honourable Member to inform me how much of that sum has been debited against Posts and Telegraphs, and also whether these Departments had any voice in the policy which resulted in the losses debited against them respectively?

**Bhai Man Singh:** Sir, I support the amendment now before the House put by Mr. Mudaliar. I have got here a copy of this (stamp) book. It tells me one thing about the rates:

'Letters, not over 1 tola,  $\frac{1}{2}$  anna; over 1 tola but not over  $2\frac{1}{2}$  tolas 1 anna, every additional  $2\frac{1}{2}$  tolas 1 anna.'

[ Bhai Man Singh. ]

These are the present rates of course, and if I mistake not—of course I am speaking subject to correction—so far as my memory goes, even before that we had the following rates:—half an anna for letters not exceeding  $\frac{1}{2}$  tola, and one anna for letters weighing more than  $\frac{1}{2}$  tola and not exceeding one tola, and then one anna for each additional tola. I think the Honourable Member on the Government side will correct me if I am wrong, but I say that, if formerly we had those rates, there is no reason why we cannot revert to those rates again when we are raising the minimum. Again, formerly we had this rule that any letter weighing more than 1 tola had to pay double the rate of a letter weighing less than 1 tola. There is no reason why the same old proportion should not be adopted now, and those who pay for 1 anna for 1 tola should not pay double that amount for any letter weighing above 1 tola. This is just and in accordance with the spirit of the previous rules though of course it may not be exactly the same. I hope the House will agree with it.

**Mr. H. E. Spry:** Sir, I do not wish to make a speech, but I desire to obtain certain information. I have listened, I think, to nine speeches with reference to what has been variously described as 'this amendment,' 'this motion' and 'this resolution.'

What I desire to know is, what exactly is the motion now before the House? Mr. Mudaliar carried on a conversation with himself for some time, which I had not the pleasure of hearing, but so far as I could discover, I believe he was moving motion No. 115 on this paper, in so far as it concerns letters, but omitting the first portion which deals with letters not exceeding one tola in weight. The Honourable Member for Finance pertinently asked, in reference to this omission, if it was the intention of the Honourable Member that the postal authorities should carry free of charge every letter which does not exceed one tola in weight. To that I did not hear any answer at all. Mr. Rangachariar then rose to his feet and made an impassioned speech in favour of 'the amendment,' and this phraseology has continued, without further definition up to now. What I desire, Sir, is that we should be informed *exactly what motion is before the House?*

**The Honourable the President:** The question is:

'That under the heading 'Letters' in Schedule III the following words be substituted for the words printed there, namely:

For a weight not exceeding one tola . . . . . one anna

For every tola or fraction thereof exceeding one tola . . . . . one anna.'

**Mr. A. D. Pickford:** Sir, the speeches that have been made on this subject seem to me to be made entirely from two points of view, first that of the poor man and second that of the polite letter writer, the man who has the choice of highly embossed glazed thick paper or reasonably nice and good writing paper. There is quite another aspect of the matter. It is the aspect of the business-man who does not for mere luxury or appearance use heavy or good paper. If he uses good paper he uses it because it serves his purpose best, better than less good paper. What has been the history of this matter in other countries? I remember very well in my own stamp licking days in

a bank in London, it was quite common to put on an envelope containing absolutely necessary papers addressed to India as much as £1-10-0 in stamps. Now when the postage came down, it is common knowledge that the revenue went up, that is to say, that business houses were induced not to be luxurious but to be more enterprising. More advertisements were sent out, more circulars were sent out to the advantage of trade. Now if the reduction of postage resulted in an increase in the circulation of this very useful literature by which trade has improved, it is perfectly obvious that if we go and put the rate up now to an absurd rate, from the business point of view enterprise will diminish, and if enterprise by post diminished, the revenue will sooner or later suffer. This is not a mere question of the man who writes a letter to his friend. It is a question also of trade, and I do hope that this House will not in a light-hearted spirit lump great loads on what they call the rich man, remembering that if the rich man is hit too hard he spends less money and the general interest suffers. I support, however, the compromise which has been suggested by the Honourable Mr. Innes, which seems a perfectly fair and reasonable one. I do not think that the proposal which was made by Mr. Rangachariar is either fair or reasonable.

**The Honourable the President :** The question is :

‘That under the heading ‘Letters’ in Schedule III, the following words be substituted for the words printed there, namely :

For a weight not exceeding one tola . . . . . one anna.

For every tola or fraction thereof exceeding one tola . . . . . one anna.’

be accepted.

The Assembly then divided as follows :

AYES -46.

Agarwala, Lal. G. L.  
 Ahmed, Mr. K.  
 Ahmed, Mr. Zahir-ud-din.  
 Asjad-ullah, Maulvi Miyan.  
 Aiyer, Sir Sivaswamy.  
 Ayyar, Mr. T. V. Seshagiri.  
 Bagde, Mr. K. G.  
 Bajpai, Mr. S. P.  
 Bhargava, Mr. J.  
 Bishambhar Nath, Mr.  
 Cotelingam, Mr. J. P.  
 Das, Babu Braja Sundar.  
 Dwarkadas, Mr. J.  
 Ghulam Sarwar Khan, Mr. Chaudhuri.  
 Ginwala, Mr. P. P.  
 Gulab Singh, Sardar.  
 Hajeelbhoj, Mr. Mahomed.  
 Ibrahim Ali Khan, Nawab Muhammad.  
 Iswar Saran, Mr.  
 Jatkar, Mr. B. H. R.  
 Joshi, Mr. N. M.  
 Kabraji, Mr. J. K. N.  
 Lakshmi Narayan Lal, Mr.

Lathe, Mr. A. B.  
 Mahadeo Prasad, Mr.  
 Mahmood Schamund, Mr.  
 Man Singh Bhai.  
 Mitter, Mr. D. K.  
 Misra, Mr. Pyari Lal.  
 Mudaliar, Mr. Sambanda.  
 Mukherjee, Babu J. N.  
 Mukherjee, Mr. T.  
 Nabi Hadi, Mr.  
 Nand Lal, Dr.  
 Nag, Mr. Girish Chandra.  
 Neogy, Babu Khittish Chandra.  
 Rajan Baksh Shah, Mukhdam Sayad.  
 Rangachariar, Mr. Tiruvankata.  
 Rao, Mr. P. V. Srinivasa.  
 Reddiyar, Mr. M. K.  
 Samarth, Mr. N. M.  
 Sen, Mr. Sarat Chandra.  
 Singh, Mr. B. P.  
 Venkatapathiraju, Mr. B.  
 Vishindas, Mr. Harchandrai  
 Wajid Hussain, Mr.



## NOES— 38.

Afsar-ul-Mulk Akram Hussain, Prince.

Aiyer, Mr. A. V. V.

Barodawala, Mr. S. K.

Barua, Srijiut Debi Charan.

Carter, Sir Frank.

Crookshank, Sir Sydney.

Dentith, Mr. A. W.

Fell, Sir Godfrey.

Gidney, Lt.-Col. H. A. J.

Girdhardas, Mr. N.

Gour, Dr. H. S.

Habibullah, Mr. Mahomed.

Hailey, The Hon'ble Mr. W. M.

Holland, The Hon'ble Sir Thomas.

Hullah, Mr. J.

Hutchinson, Mr. H. N.

Innes, Mr. C. A.

Jejeebhoy, Sir Jamestjee.

Keith, Mr. W. J.

Maw, Mr. W. N.

McCarthy, Mr. Frank.

Muhammad Hussain, Mr. T.

Muhammad Ismail, Mr. S.

O'Donnell, Mr. S. P.

Percival, Mr. P. E.

Pickford, Mr. A. D.

Price, Mr. E. L.

Ramji, Mr. M.

Renouf, Mr. W. C.

Sarfaaz Hussain Khan, Mr.

Shahab-ud-Din, Mr. Chaudhri.

Sharp, Mr. H.

Sircar, Mr. N. C.

Spence, Mr. R. A.

Spry, Mr. H. E.

Waghorn, Colonel W. D.

Watson, Sir Logie Pirie.

Wild, Mr. C. E.

The motion was adopted.

**The Honourable the President :** The question is :

‘ That the Schedule, as amended, stand part of the Bill.’

The motion was adopted.

The Assembly then adjourned for Fifteen Minutes.

The Assembly re-assembled at Six Minutes to Five of the Clock. **The Honourable the President** was in the Chair.

**Lala Girdharilal Agarwala :** Sir, I want to move my amendment on page 13, the proviso for which I had asked the permission of the Chair.

**The Honourable the President :** The Assembly has already passed the Schedule. And the Honourable Member will find that the proviso will not fit in with the amendments made by the Assembly.

**Rai Sahib Lakshmi Narain Lal :** Sir, the amendment which I am going to move now ‘ is that clause 4 and Schedule IV be omitted.’ I have already submitted, at some length, this morning, while dealing with my other amendment, the grounds upon which I object to having recourse to such taxation. The proposed increase in the railway freight will not only affect the poor, but also shall prove a great obstacle in the development of their industries and should not be accepted. My former motion under Clause III has been lost and practically all the other amendments have been lost; if one amendment has been adopted for decrease another amendment has been adopted for increase. On all these facts taken together I hope the Council will accept my amendment.

**The Honourable the President :** The question is :

‘ That clause 4, Schedule IV be omitted.’

**The Honourable Mr. W. M. Hailey :** Sir, I oppose this amendment on very much the same ground as I was obliged to take this morning in dealing with another amendment moved by the Honourable Member in regard to the complete exclusion of the postal Schedule. The ground I took then was that, if

his amendment were accepted, we should be unable to consider any item of the Schedule at all. Now, we have, I know, a considerable number of amendments in regard to the Freight Schedule, which propose, for instance, that fodder, firewood, and so on, should be dealt with on easier terms than proposed by us. But if the whole of the surtax proposals were vetoed outright as proposed by the Honourable Member, I doubt whether the House would find it possible to raise by any other means the large sum of money which we have proposed to take under the surtax. I would suggest to the House therefore, Sir, that the proper course is to treat this case as we treated the case of postal rates, that is, to consider them in detail and to decide what modifications are required, but not to block the whole discussion.

**The Honourable the President :** The question is.

‘That clause 4, Schedule IV be omitted.’

The motion was negatived.

**The Honourable Mr. W. M. Hailey :** Might I interpose for one minute, Sir? Would it be convenient to you and to the House to take the Tariff first of all? It would be more convenient to Government to do so, but I am quite at the disposal of the House in the matter.

**The Honourable the President :** The question is that the Assembly do resume consideration of clause 2.

5 P.M.

The motion was adopted.

#### TARIFF.

**Mr. Manmohandas Ramji :** Sir, I beg to propose :

‘That in clause 2 (1), before the words ‘For the Second Schedule’ the following be inserted :

With effect from the first day of April, 1921.’

Sir, my object in proposing this amendment is this. As proposed in the Bill this Act is to come in to force from the 1st of March, and if this is agreed to by the House, the effect will be that the merchants whose goods are lying in the Custom Houses in bonded warehouses and which are being cleared from the Custom Houses will be greatly affected. This change in tariff values will be recovered from the persons who cleared their goods from the Custom Houses from the 1st of March. As we all know, Sir, there is the usual feeling that if there is any change in the tariff rate, it comes on the 1st of March. But under the present circumstances, circumstances which are abnormal, I have ventured to come before you and suggest that an exception should be made in this provision, and that the date from which this Act should come into operation should be postponed by one month. As it is, Sir, the merchants have suffered great loss on account of certain policies and certain circumstances over which they had no control, and this, to my mind, will be the last straw that will break the camel's back. In these circumstances, Sir, I propose this amendment. It may be argued by the Finance Department that they will lose Rs. 70 lakhs that they have already collected by bringing this Bill in anticipation to come into force from the 1st of March. But I may say that it will not be a loss at all, because, if we are going to get at the rate of 11 per cent. as proposed in the tariff, more than 37 crores of rupees, as our income, and at the rate of 12 months in a year it will be about 2½ crores per month. Instead of that on account of the

[Mr. Manmohandas Ramji.]

slump it is going to be only Rs. 75 lakhs for these 24 or 22 days, and it may go to a crore for the month. Therefore, it will be no loss in the revenue. The 12 months may be counted from the 1st April to the 31st March next year. So the period of 12 months will be covered under any circumstances. What I propose is, that the effect should be shifted from the 1st of March to the 1st of April, and I hope that Government will show their sympathy with the importers in this case and try to give them some relief, if possible.

**The Honourable Mr. W. M. Hailey :** Mr. Manmohandas Ramji has made an appeal to the House on behalf of those merchants whose goods are still in bond. They will, however, recover the increased duty when they have taken their goods out of bond, because they will naturally pass such duties on to the customer. (*A voice : Not all of a sudden.*) They will at all events, do so, if they act on the experience we have gained of similar operations in previous years. I quite admit that importers are entitled to our sympathy, and are entitled to any assistance that we can give them in the very difficult position in which they have been placed through their exchange losses. But I could not advise the House, merely on that account, to give up as much as 70 lakhs of our revenue. The Honourable Member suggested that we should easily get the whole of increased revenue we have proposed from customs in the coming 12 months. Already it has been suggested in this House, however, that our estimates are unduly liberal, and that on account of the falling off of imports, and the general slump in trade it will be difficult for us to realise the full sum which we have placed in our Budget. I am unwilling to run further risks. If we lose 70 lakhs, it is true it falls within the figures of the present year, but our balances are reduced by that amount and must be made up somehow in the coming year. We are following in this case the ordinary procedure of the Provisional Collection of Taxes Act which provides that any changes made in the tariff should come into force as from the 1st March. That money is being collected, and if we have to make a refund now, it would be a serious administrative inconvenience to the Collectors of Customs, not that that is the most vital point, but that is one factor of consideration. But above all, it would be a substantial loss to us, a loss which we could ill-afford, and a loss which, in the circumstances, I do not think it would be justifiable for me to advise the House that it should incur on the grounds advocated by the Honourable Member.

**Mr. E. L. Price :** I am afraid I have to oppose Mr. Ramji. Like many other members connected with trade, I have been bombarded with messages and telegrams on this question and I went into the matter—Mr. Innes kindly showed me the precedents of 1917 which have been followed entirely. These merchants who appeal to me to support this motion have forgotten that they are not the only pebbles on the beach. I find that though the merchants in the ports generally took this view, there are a number of other merchants up-country who have already cleared their goods, and they are very loath that the same low rate of import duties should be accorded to their competitors in the ports who have been a good deal slower, and their argument is, roughly, I think, that equity should assist the man who is quick and not the man who is slow.

But, Sir, there is one point Mr. Hailey made that I am afraid does not apply at this moment. It is perfectly true that in anything like a normal

decent market the importing buyer whoever he may be, adds the value of the import duty paid to the price of the goods when he sells them. But, Sir, owing to the slump, the unfortunate importer is already at a very large loss on his cost, and it is quite evident that if he cannot obtain from the market the actual cost of his goods, still less can he obtain the cost of the goods *plus* an extra duty.

That is not possible, Sir. Much of the goods have been cleared at the present time and it is impossible to refund to the concerned this extra cost or duty. On the other hand, as some dealers seem distinctly benefited and those up-country would have a grievance if this concession were made to those at the ports, I think it would be inequitable to grant it.

**Chaudhuri Shahab-ud-Din :** I have only to say a few words. I want to know whether this amendment has been proposed in the interests of the importer or in the interests of the buyer and consumer. Let me assure this Honourable House that the importer who had to pay a little higher duty has by this time recovered it from the buyer who in his turn has recovered it, at least in some cases from the consumer. It is too late, therefore, now to say that we should refund the money. With these words I support the original proposal and oppose the amendment.

**Rao Bahadur T. Rangachariar :** I wish to draw the attention of the House to the terms of section 2 of Act XVI of 1918 in which it is required to be declared that it is expedient in the public interest that the Bill should have retrospective effect under the provisions of this Act. Now therefore what we have to be satisfied about is that this retrospective recovery is in the public interest. Well, I find the Honourable Mr. Price in opposing the motion has advanced very cogent reasons for supporting the motion. He says the importing merchant is already in trouble and that he is not able to clear the goods. Speaking from what little knowledge I have of the habit of merchants in my practice of law, the importing merchants always make forward contracts with reference to the imported goods, and therefore when they enter into contract, they come to an agreement as to the price also. That being so the merchant are already hard hit by the exchange policy of the Government. We know, and we have been told, that lots of goods are lying in the Customs Houses uncleared on account of this difficulty because they are unable to clear the goods. That being so it appeals to me as a lawyer there is some justice, in fact very strong justice, indeed in the motion made by my Honourable friend Mr. Ramji. It appears to me not an ordinary course to adopt to give retrospective effect to the legislation. I join issue with the Honourable the Finance Member that this is an ordinary course for legislation. On the other hand, it is an exceptional course which is confined only to customs and excise duties as will be found in Act XVI of 1918. Other legislation ordinarily takes effect only from the date on which it is passed by the legislature, but this exceptional provision is made in respect of these two measures, namely, Excise and Customs, and therefore as the duty is cast on this Assembly of being satisfied that it is in the public interest that we should give retrospective effect to legislation, I ask myself that question—At a time like this when merchants are hard hit, why should it concern us whether the consumer profits or the merchant profits. If the merchants profit, it is so much to the benefit of the country, because if the merchants make huge profits, by all means that goes to the benefit of the country, and therefore let us not grudge them the profits that they make. On the other hand, we know that they have not made profits on account of

[Rao Bahadur T. Rangachariar.]

exchange policy? And are we to make the law retrospective? What is the public interest that the Government has proved that it requires that we should make retrospective legislation? So even at the risk of sacrifice of the revenue collected, I think the motion has the merit of having justice and equity on its side. I therefore strongly support the motion.

**Mr. N. M. Joshi :** Sir, I confess I do not at all understand the logic of of my Honourable friend Mr. Rangachariar. He says, even if the consumer has lost, at least the trader has gained and he is willing to make a present of the money to the trader at the cost of the tax-payer. I do not know why we should do it. If the trader has gained money from the consumer, it is right that that money should go to the public treasury and relieve the burden of the tax-payer. It is therefore quite proper, and it is in the public interest, that we should collect the taxes from the 1st March.

**Babu J. N. Mukherjea :** Sir, I beg to support the amendment of Mr. Manmohandas Ramji. As has been pointed out by my Honourable friend Mr. Rangachariar, the remedy aimed at is that the bad effects of the retrospective legislation should be minimised as much as possible. Not only does what has been stated by my friend Mr. Rangachariar appeal to me, but there are practical administrative difficulties connected with this declaration which, I think, I ought to place before this House. I hold a telegram in my hand which I have just received from Calcutta to the effect that the enhanced duty is being levied on goods which arrived in port before the 1st of March last. This, it seems to me, would entail great hardship on the importing merchants. Such a procedure seems to me to be inconsistent with the letter or spirit of the declaration, but, as a matter of fact, I find from the telegram that such a thing is being done. It certainly adds to the difficulties of this retrospective legislation. Of course, it is for the Honourable the Finance Member to devise means as to how all these difficulties can be obviated, but I think it is my duty to place before the House the misery and the suffering of the merchant community who are importers, and who, for reasons which have already been placed before the House, namely, those due to exchange and other causes, have not been able to remove their goods. I would like to draw the attention of the House to the fact once again that this tax is being levied from importers although their goods arrived in port before the 1st of March.

I beg to support the amendment of my Honourable friend Mr. Manmohandas Ramji.

**Mr. C. A. Innes :** Sir, I think that this Assembly wishes to follow the procedure of the House of Commons as closely as possible. When Mr. Rangachariar assured the House that there was no precedent for giving, what he called, retrospective effect to taxation, he was, I think, entirely wrong. As soon as finance proposals are laid before the House of Commons at Home without any delay at all, Resolutions are passed and those finance proposals come into immediate effect. That procedure was formerly the procedure of convention. Then there was a very famous case in which Mr. Gibson Bowles fought this procedure in the Courts of law, and now that procedure is established by Statute. In passing our Provisional Taxes Act of 1918, we merely adopted the procedure which is followed in the House of Commons and at Home, and I think that, if the House will reflect at all, it will see that this is the only procedure that is possible. We cannot give people notice that a month hence

we are going to raise their taxes. What would be the result? Under section 37 of the Sea Customs Act the rate of duty applicable to goods imported is the rate of duty in force on the date on which the bill of entry thereof is delivered.

‘Provided that, if such goods are warehoused under this Act, the rate and valuation applicable thereto shall be the rate and valuation in force on the date of the actual removal of the goods from the warehouse.’

Now, if we accept Mr. Manmohandas Ramji’s proposal and give all importers notice that on the 1st day of April these taxation proposals of ours are to come into effect, the immediate result will be that all importers will go to the warehouses and take all their goods out of bond, and when we bring our taxation proposals into effect we shall have nothing to tax. They will get the benefit. Immediately after the 1st April they will raise their prices in accordance with our taxation proposals, and the whole of the extra profits will go to them and Government will lose all this money for no purpose at all, simply to allow people to profiteer.

I think, Sir, that that is all I have got to say. We have collected already a very large amount of money under these proposals, and if the House accepts this proposal of Mr. Manmohandas Ramji, we shall be put not only to very great loss, but also to very serious administrative inconvenience. All sorts of importers, who may be, have already sold these goods and passed on the extra price to the consumer, will come to our Customs Collectors and say: ‘Pay us back the extra tax you have taken from us.’ I would point out that under the Indian Tariff Act any increase of customs duty, it is expressly provided, can be added to the contract price, for which the goods have been sold.

That is all I have to say and I hope the House will have no hesitation in rejecting this amendment.

**Mr. B. Venkatapatiraju :** Sir, though I do not generally agree with the Government, I agree with it now. I have given notice of an amendment just the converse of this very proposition which has been moved by my Honourable friend Mr. Manmohandas Ramji. I stated there that :

‘Such substituted Schedule shall take effect from the first day of March 1921’,  
the reason being . . . . .

**The Honourable the President :** I will allow the Honourable Member to make that speech on his own amendment.

**Mr. B. Venkatapatiraju :** Sir, without referring to my amendment I would say that if the Assembly decides to impose a certain duty, rightly or wrongly it does not matter whether they impose it from the 1st of April or the 1st of March. The question is that once we have settled that, we shall take it from a certain date. I think it is better we should take full advantage of it in the interests of the Government. We should see that some portion of the community does not take advantage of it while others suffer. Therefore I support the amendment.

**The Honourable the President :** The question is :

‘That in clause 2 (f) before the words ‘For the Second Schedule’ the following be inserted :

‘With effect from the first day of April, 1921’.

The motion was negatived.

**Mr. B. Venkatapatiraju:** Sir I beg to move :

‘ That to clause 2 (1) the following be added :

‘ and such substituted Schedule shall take effect from the first day of March 1921 ’.

It has been pointed out by Mr. A. V. Ayyar, that in case the present Bill is not passed by the end of this year, there may be some difficulty about the money realised in March. In order to avoid this, I suggest that the substituted Schedule should have retrospective effect from the 1st March 1921.

**The Honourable Mr. W. M. Hailey:** This appears to be a legal point; but if we accept this amendment we may perhaps get some extra security against the possibility of our legislation not being passed by the 31st March, and therefore on that ground, Sir, I am prepared to accept it.

**The Honourable the President:** The question is :

‘ That to clause 2 (1) the following be added :

‘ and such substituted Schedule shall take effect from the first day of March, 1921 ’.

The motion was adopted.

**Rao Bahadur T. Rangachariar:** Sir, I do not move my amendment in view of the fate of the other amendments.

My next amendment, Sir, is :

‘ That to clause 2 (2) the following proviso be added :

‘ Provided that the Acts hereby repealed shall come into force again on 1st April, 1922, in the absence of any legislation to the contrary ’.

Certain Acts have been repealed by this Bill, and my amendment is only to make it clear that the Government must have some machinery to go by at the end of the year, so that as soon as the 31st of March 1922 expires the old Acts, without any further legislation, unless there is any legislation to the contrary, might come into force again. I therefore provide that the Acts hereby repealed shall come into force again on the 1st April 1922 in the absence of any legislation to the contrary.

**The Honourable Mr. W. M. Hailey:** I confess, Sir, that I am at some difficulty here ; it is a legal point, and I could have wished that my Honourable friend, Dr. Sapru, had been here to speak about it. The advice given to me is that this is quite unnecessary ; but I should welcome the advice of other lawyers in the House for we know by experience that there is seldom unanimity on any legal point raised. But our own advice has been, that it is quite unnecessary to suspend an Act by legislation and provide for its coming into force again.

**Mr. T. V. Seshagiri Ayyar:** I am inclined to agree with the Honourable the Finance Member, Sir.

**Rao Bahadur T. Rangachariar:** Sir, if my Honourable friend will refer to the General Clauses Act, we will find that there is no such provision. I shall withdraw my motion ; but I do not think there is such a provision in

that Act. I moved this amendment so that the Government may not be left without any machinery at the end of the year.

The amendment was negatived.

**Mr. Sambanda Mudaliar:** Sir, I beg to move the following amendment, namely :

‘ That to clause 2, the following new sub-clause be added :—

‘ In the Third Schedule to the Indian Tariff Act, 1894, after item No. 5, the following new item be added :

‘ 6-Myrobalan (*ad valorem*) 5 per cent ’.

Sir, to such Honourable Members of this House as are connected with the tanning industry in India I may say that they may know that this article Myrobalans is freely used in tanning raw hides, skins, etc. I may state for the information of this House that this article is exported in very large quantities to foreign countries, England and other countries. I may just give the figures which will convince the House that by levying an export duty on this article we can get some money, with a view to tide over the financial difficulty this year. I shall give the figures. In 1914-15, 1,164,260 cwts. were sent from India—the value in sterling being £350,450. Then coming to the last year, 1919-20, we see that the quantity exported from India comes to 1,711,589 cwts. and the value to £619,935.

Sir, I venture to discuss this proposal from two points of view. The first and foremost point is that it will bring in more money, and, secondly, it will stimulate the growth of industries in India. I may mention for the information of the members of this House that Myrobalans is also used for the extraction of oil in India, and I understand that two or three firms make use of this article for the purpose of extracting oil which is used for tanning purposes. Therefore, in view of its utility, I think the levy of this export duty will stimulate the growth of this species of industry in India. I submit that by levying a 5 per cent. duty we can get not less than Rs. 50,000, perhaps it may even be a little more. I put the figure of 5 per cent. more cautiously. I beg to submit that, in considering my proposal, it should be viewed from a broader aspect, namely, as I said before, it will stimulate the growth of industries in India; and it is from that point of view I submit this proposal. Another advantage that will accrue from accepting my proposal is that it will bring in more money. For these two reasons I venture to commend my proposal for the acceptance of this Assembly.

**Mr. E. L. Price:** Sir, the mover of this proposal suggests that his proposal will stimulate the growth of industries in India, but I ask if it will add to the production of Myrobalans. Now, Myrobalans are an agricultural product and I have got very strong feelings on this subject, Sir, because I know the way in which land owners and cultivators have been treated for some years in India. There seems to be a determined effort on the part of town dwellers to pile every mortal piece of taxation they possibly can on the agrarian interests. Quite recently, Sir, there were Rs. 9 crores made on Burmese rice at the expense of the cultivators—put to what purpose? I do not yet know. In the adjusting figures the Honourable the Finance Member laid before us ten days ago, there was an item of Rs. 90 lakhs made out of Punjab wheat. All that money is taken from the pockets of zemindars and cultivators and transferred to the credit side in the budget. Why tax



[Mr. E. L. Price.]

zemindars over and above the real rates of taxation that you have? I suggest, Sir, that ever since the time of Akbar the principle has been that all the Imperial taxation due from the land owner has been the land revenue assessment. Over and above that, to put export duties on his products and impoverish him would greatly militate against the development of agriculture. The thing seems to me hopelessly wrong in principle. These men want to get the best price they can for Myrobalans. Now you put on 5 per cent. duty. Who pays it? Undoubtedly it comes off the producer's price.

**Mr. C. A. Innes:** Sir, I think it is rather a commentary upon Mr. Sambanda Mudaliar's proposal that the two following proposals are proposals for the removal of export taxes now in existence. Mr. Sambanda Mudaliar wishes us to place a new export tax upon Myrobalans. Sir Frank Carter and Mr. Pickford wish us to take off export taxes which are already in existence. Now, Sir, I think that the House ought to take a warning from this. The trouble about an export tax is the uncertainty of its incidence.

It is never quite certain where the incidence of the tax is going to fall. With an import tax it can always be said that it eventually comes down upon the consumer; but with an export tax you can never be sure of that and you can never be sure that the incidence of the tax will not fall upon the producer. Now, apart from that, I suggest to this House that this is a very unfortunate time to suggest an export tax upon a tanning material like Myrobalans.

It is common knowledge, I think, and I am sure Mr. Pickford will tell us about it later on, that the tanning industry in this country is at present in a very depressed state. The tanning industry all the world over is in the same depressed state, the markets have collapsed, buying and selling is very restricted, and there is very little market for the produce of our Madras and Bombay tanneries. It is perfectly certain, and it has always been the case that India has produced far more Myrobalans than she requires for her own purposes. At the present time that is even more the case than ever. I think I am correct in saying that only last year the Madras tanneries actually stopped tanning for six months. As I have said, not only is the industry depressed in India, but it is also depressed all the world over; therefore, the demand for Myrobalans has grown less all the world over, and it is just at this time that Mr. Sambanda Mudaliar comes up with this very questionable proposal that we should put a 5 per cent. duty upon our Myrobalans. As those who produce Myrobalans are having enough difficulty as it is to sell their Myrobalans, I ask this House not to add to their difficulties by imposing an extra tax upon them. I am quite sure it will do no good; it may bring in a little revenue, but very little, but we may kill the trade and we may drive the home tanners and the people who now buy our Myrobalans to the numerous other tanning materials and tanning extracts which can be obtained all the world over. People do not use merely Myrobalans, they use every kind of tanning material, they use every kind of extract, and why should we select Myrobalans and say that there should be an export tax upon them? I think, Sir, that the proposal is an unsound one. In any case, I would suggest that, before we pursue a proposal of this kind, we should wait till we get the report of the Fiscal Commission which will go into the whole of these export and import taxes.

**Sir Logie Watson:** Sir, if I thought for a moment that this proposed duty of 5 per cent. on Myrobalans would have been in the least likely to encourage the tanning industry in India, I should support the Honourable Mover. I do not think it will have the least effect on the tanning industry and I also do not think that the 5 per cent. added to the price will have the least effect on the market at Home. At the present time, as the Honourable Mr. Innes just mentioned, there are more Myrobalans in India than can be used in the country or in the tanneries in other parts of the world. Under ordinary conditions, the ordinary class of Myrobalans shipped from India is what is known as No. 1 grade. The Home merchants buy it as a colouring agent more than a tanning agent, and that being the case, I cannot agree with the Honourable Mr. Innes that other tanning agents can be substituted for it; possibly he knows more than I do on that point, but at any rate we have tried to discover for many years whether that was the case or not.

Mr. Price referred to Myrobalans as if they were planted like potatoes. That is not the case. There are large jungles of Myrobalans and a good many of these jungles are owned by Government; but that does not help his argument in any way, and I am simply mentioning it in passing.

I remember when I came to India first we used to buy Myrobalans at Re. 1-4-0 a maund. I have seen them as dear as Rs. 4-12-0 a maund, and I believe the price to-day, notwithstanding the fact that tanners are not buying, is Rs. 2-12-0 a maund. So if, in the old days they made a profit on Re. 1-4-0 they must indeed be making a very high profit to-day and so I have no sympathy with the 'poor down-trodden people' Mr. Price referred to.

**Mr. J. F. Bryant:** Sir, I should like to point out that in the case of an export tax on monopolies, the tax falls on the consumer. If the article is not a monopoly, the incidence is largely on the producer.

In this case, Myrobalans are practically a monopoly of India; but we depend, not on their value as Myrobalans, but upon the value of the tannin contained in them for tanning purposes. Tannin is found all over the world. It is not a monopoly of India. Hence by taxing Myrobalans, you would virtually be taxing the Indian Collector of Myrobalans.

Now the difficulty of imposing a tax in this case is that the principle will apply to all substances other than Myrobalans.

You might as well impose a tax on any article exported from the country, or all other exports because the same principle will apply.

Now, Sir, I leave it to this House to judge whether it is expedient to tax exports at a time when we want to establish a favourable trade balance, in other words, to improve our exchange. My third argument is that Myrobalans have already been taxed. In the vast majority of cases they are forest produce, and they are collected in a variety of ways and in most instances in Government reserved forests. The Minor Forest Produce Contractor has already paid Government for the right of collecting them. That practically amounts to a tax, and if you impose another tax you would be taxing him doubly. I think that is very unfair and I leave it to the House to consider whether it is just to tax Myrobalans twice over.

**Sir Logie Watson:** Sir, might I rise to correct one statement made by the Honourable Member that the value of tanning material is always determined by the amount of tannin? That might be said to be the case generally,

[ Sir Logie Watson. ]

but there are many exceptions. There are in India many tanning agents which contain a large amount of tannin but are worth little because of their objectionable colour.

**The Honourable the President:** The question is :

‘ That to clause 2, the following new sub-clause be added :

‘ In the Third Schedule to the Indian Tariff Act, 1894, after item No. 5, the following new item be added :

“ 6 ” Myrobalan (*ad valorem*) 5 per cent.’

The motion was negatived.

**Sir Frank Carter:** Sir, the amendment which stands in my name runs as follows :

‘ That to clause 2, the following new sub-clause be added ; namely,

‘ (3) With effect from the 1st day of April 1921 in the Third Schedule to the Indian Tariff Act, 1894, item No. 5, relating to ‘Tea be omitted.’

Sir, the export duty on tea was imposed by Sir William Meyer in his Budget in 1916-17, and he brought forward three reasons why this duty should be imposed. The first was that Ceylon paid an export duty, the second was that the tea trade paid no income-tax, and the third was that ‘the tea trade was prosperous.’

At the time of the imposition, strong protests were made by the Indian Tea Association in Calcutta and London and attention was drawn to the unsoundness of an export duty on a commodity which is not a monopoly of the country of production. The Honourable Mr. Innes has told us also about the unsoundness of export duties, and I am quite sure that he has put it far more lucidly than I can. However, the Tea Associations in Calcutta and London regarded this tea export duty as a burden resulting from the war, and for that reason they accepted it. I think, however, I can fully show this House that none of those reasons which induced Sir William Meyer to put on that export duty in 1916-17 are existent at the present day. The example of Ceylon no longer holds good because they are trying to do away with their export duty. As regards the question of income-tax, it is true that at that time the profits on the manufacture of tea were not liable to income-tax, but by a recent ruling of the High Court this exemption no longer exists. Whatever may be thought of that ruling or of the conduct of the Government of India leading up to it there can no longer be any reason for maintaining the export tax. I now come to the third reason brought forward by Sir William Meyer, the prosperity of the tea industry. And I think that I can prove conclusively to this House that, if for no other reason, the export duty on tea ought at once to be removed. No one needs to be told that the prosperity of the tea industry no longer exists. In fact, it is common knowledge that the tea industry is on the verge of, I may say, bankruptcy. It is at the present moment in a deplorable state. The position has been brought about by the entire cessation of the demand from Russia and the accumulated stocks in the London warehouses. The industry is now struggling not to make a profit, but for its very existence and it is no exaggeration to say that for fully three-fourths of the tea now being sold at the weekly auctions, the prices realised show a loss of pence per pound. When the export duty was originally imposed in 1916 the average price on the Calcutta market was 8 annas per pound for good tea. This average price has now fallen to 5 annas and 3 pies per pound and common teas are being

sold as low as one anna nine pies per pound. This latter figure, I may tell this House, barely pays for the cost of the box and transport. There is nothing left for the price of the tea. You can easily understand, therefore, Sir, that this state of things cannot last for long. Gardens already have been shut down and more must be shut down. And if this state of affairs continues what is to become of the labour? Tea labour is paid partly on the basis of work done and this is reduced because there is less work to be done. If the present state of affairs continues, there will be a large amount of labour put on the market in Assam. As I said before, I expect it must be well known to this Assembly that an export duty on an article which is not a monopoly of the country of production is unsound.

The most severe competition that the tea trade in India experiences is from Java, and I think I can show to this House by the following figures that the exports from Java to Australia—Australia's trade was originally practically confined to India—have increased owing to this export duty, out of all bounds. In 1912, the exports from Java to Australia were 5,900,000 lbs. In 1917, the year after the duty was imposed, they were 11,600,000 lbs. which is double the figure for 1912. In 1918, they were 11,400,000 lbs., in 1919, 16,000,000 lbs.; in 1920, 20,000,000 lbs.; and it is anticipated that in this year, 1921, the figures will amount to over 21,000,000 lbs. This is a very serious matter, especially as the tea industry has to face competition not only from Java but from other eastern markets such as Japan and China. It may be thought that I am arguing this only on behalf of the British gardens. But I am not doing anything of the kind. The tea industry is not in any way confined to British gardens, and the capital of the tea gardens is not by any means in the hands of the British. There are many Indian gardens which at the present time are being ruined, and it is especially to keep those Indian gardens alive that I ask for this tax to be removed. It is the Indian gardens which are being hit far more than the British gardens, because they have not the money behind them to fall back on, now when the times are so bad. In the present crisis, such a crisis as few industries have ever undergone, I think, Sir, that the retention of this duty cannot on any reasonable grounds be justified.

**Lala Girdharilal Agarwala:** Sir, I find from the Tariff Schedule, page 9, item 68, that tea is taxed at 11 per cent. Now, if I understand my Honourable and learned friend rightly, he refers to this item when he says that this be omitted and that tea be imported free of duty.

**Srijut Debi Charan Barua:** Sir, I am glad to support the motion of Sir Frank Carter, and in doing so, I beg to state that the tea industry is now suffering from one of the worst crises it has ever met with. The tea that was sold at 8 to 10 annas a lb. fifteen months ago and previously, is now being sold at 4 to 5 annas. The cost of production itself exceeds 5 annas a lb. The tax was imposed for the first time during the war when the industry quite enjoyed a boom. And it was understood by the people interested in the industry only as a war measure and no serious objection was taken against it. On account of the depression in the tea market, some gardens are already closed, and many of them are on the point of being closed down. Tea is one of the staple industries of India. The commodity is one of the chief items of export and helps the exchange system favourably to the Indian people. The industry apart from giving employment to a large number of the population, indirectly pays to Government large sums of money in the shape of import duties on costly machineries, land revenue, income-tax, etc. By its coaching

[Srijut Debi Charan Barua.]

traffic it contributes a good deal to the upkeep of several railways on the frontier which cannot but be regarded as strategic. For these reasons especially it is quite in the fitness of things that item No. 5 relating to tea in the Third Schedule to the Indian Tariff Act, 1894, be omitted. It should be noted at the same time that the continuance of the export duty will mainly affect the coolie and the Indian proprietors of tea gardens. The coolie will be affected inasmuch as the garden owners are finding it difficult to spare labour for extra works which the coolies are anxious and interested to have, because, as I said yesterday in another connection, he can finish his daily task of work in the course of six hours. The Indian owners of gardens will suffer as most of them lack reserve funds, while the European owned estates may stand the shock to some extent as their concerns consist mainly of joint stock companies with substantial reserve funds. It should also be borne in mind, as I have already said, that as the tea industry pays the Government in the shape of land revenue, the Government should not expect a contribution in the shape of export duty.

With these few remarks, I beg to support the motion of Sir Frank Carter.

**Mr. Zahir-ud-Din Ahmed:** I am in favour of this motion. Export duty on tea means tax on coolies' wages pure and simple. I know Government wants money. That is no reason that it should tax an industry which is passing through such a bad time. Government needs money. So do I. That is no reason why I should pick the pocket of the first man I come across. In my opinion this is the time when the export duty on tea should be removed.

**Mr. C. A. Innes:** Sir, the position of Government in regard to Sir Frank Carter's proposal is that they are prepared to leave the decision in this matter entirely to the House. I will endeavour merely to state the facts as Government see them, and then we shall leave the House to decide. As a matter of fact, I have very little quarrel with Sir Frank Carter's account of the tea industry and of its present condition. The only suggestion I have to make is that it is very doubtful whether the export duty on tea has led to the increase in exports from Java to Australia. I think it is pretty nearly certain that the increase in exports from Java to Australia is due to the fact that the United Kingdom gives a preference of 2*l.* per lb to the Empire teas.

Therefore Indian tea has a preference of 2*l.* per pound against Java tea and Java tea has now sought new outlets in Australia where the same disability does not exist, since, India at present does not get the benefit of the Empire tariff in Australia. Now, Sir, there is no getting away from the fact that the tea industry at the present time is in a very bad way. But it should be clearly understood, I think, that this export duty on tea has had nothing to do with the present condition of the industry. It is not the cause of the present depression. The cause of the present depression is known to everybody. In the first place, the high exchange in the latter half of the last year was a bad blow to the tea industry, which received the blow with double effect. For many years past too, production among the tea gardens has been increasing. The area has increased and the production has increased. The average production per mature acre has risen from 392 pounds in 1898 to 609 pounds in 1918. On the other hand, with the collapse of the Russian market the outlet for tea had diminished. Now the tea industry did not realise what its position was going to be at the end of the war.

During the war, there was an enormous demand for tea for army purposes, and it was not realised either by Government or by the tea industry or by anybody else that as soon as the war ended the outlets for consumption of tea outside India would decrease. The main cause of that is the fact that Russia which used to take 50 million pounds of Indian tea is now out of the market. Secondly, the tea estates went on producing tea and went on shipping tea home to England, with the result that in November last no less than 220 million pounds of tea were in stock in the United Kingdom against a normal stock of about 100 million pounds. The result of this is of course that there has been a disastrous slump in prices. The slump has made itself felt most in respect of common teas and low grade teas. High grade teas still fetch high prices, but the low grade teas, which constitute the bulk of the teas produced, are doubtless selling at very low prices, and I think it is quite correct to say that the prices obtaining for these low grade teas are less than the cost of producing, that is to say, the planters are losing on every pound of tea. But, Sir, the export duty has had nothing to do with this. The sole causes are the increased production and the loss of markets. Production has outrun consumption. But I do not admit that we actually put on this duty as a war duty. The Indian Tea Association pressed that we should give, that Sir William Meyer should give, them an assurance that the duty should be put on specifically for the period of the war. But Sir William Meyer, being a very cautious gentleman, declined to give any pledge to that effect, and we cannot be accused of a breach of faith if we do keep on this tea duty. The sole justification, for taking off the tea duty now, is that the industry for the moment is in a depressed condition and this tea duty though it has not been the cause of the depression, undoubtedly is contributing to the depression now and that is the reason why the duty should be taken off. All these facts have been placed before the Government of India, but there is another big industry which is also in a state of depression, namely, the hides and skins industry. We are going to have later on a proposal to take off the export duty on hides and skins. Now, if we take off these two export duties, we lose revenue next year to the amount of a crore and a half; we are budgetting for a crore and a half of revenue from these two industries, and so, when we had to come before this Assembly with a deficit of 18 crores, the Government of India decided that they would not of their own motion take off these two duties and add to the deficit, because we should then have come before you with a deficit of 19½ crores instead of 18 crores. That is the position. I have tried to explain it as fairly as I can. We admit that the tea industry is in a bad way at present. We admit that this export duty on tea is adding to the loss which is already being experienced by the teaplanters in respect of low grade or common teas. But what this House has got to realise is that, if we take off this export duty, it is going to cost us 50 lakhs of rupees, and it is for the House to decide whether they will take off this export duty and find us 50 lakhs from some other source.

I have tried to explain the matter as fairly as I can.

**Mr. A. D. Pickford:** Sir, I have to admit, speaking generally, that Mr. Innes has put the case very fairly before the House. I only want to comment on one or two points.

As regards the question of the exports from Java to Australia, I cannot quite understand, I must say, the theory that this is due to the two pence Imperial preference which Indian tea exported to the United Kingdom enjoys.

[Mr. A. D. Pickford.]

I could understand it, if there were a market in the United Kingdom and if, therefore, the Indian tea industry were sending its tea to the United Kingdom in preference to sending the tea to Australia. That is not the case at all. If we were able to avoid it, we would not send a pound of tea to England at the moment because we cannot sell what is there. I think it is a mere presumption to say that, because there is this two pence Imperial preference in the United Kingdom, and because the exports from Java to Australia have gone up, that, therefore, the two things are connected. As a matter of fact, it is true to say that Indian tea has endeavoured to compete with Java tea in Australia and it has not, in point of fact, succeeded.

Then, the tea industry will admit at once that it would be absurd to say that its present condition is due to the export duty; but I venture to think that it is more than a mere contributory cause of the present depression. At the time when this export duty was put on and when the tea industry was prosperous, we were warned by tea brokers and tea shippers that this export tax put us at a definite disadvantage in the appearance and attractiveness of our export invoices as contrasted with other countries. So that, at all events, while it is impossible to prove that the export tax at that time did injure the tea industry to any very special extent except in so far as export taxes always do, it is fair to tell the House that, in the opinion of the experts, it was a definite disadvantage to this great Indian industry as compared with other countries like China, Japan, Java and other places which are now producing tea.

With regard to the increase in production, that is undoubtedly one of the contributory causes, and, lest anybody should think that this was a mere rushing out of extra cultivation in order to take advantage of high prices for tea, I should like to explain for the information of members of the House that that extra production per acre is due to intensive cultivation which has been made possible by the work of the Research Department of the Indian tea industry, and to suggest to the members of the House that it is an extraordinarily hard thing that the enterprise of the tea industry in this particular matter—an enterprise in which, as my Honourable friend Mr. Barua has explained to you, Indians are most especially interested—it is, as I said, a very hard thing that we should suffer from the results of enterprise which, under ordinary circumstances, would have brought a substantial and very justifiable reward to the industry. I feel sure that the House will consider that it is a legitimate thing to remove this tax. And with regard to what Mr. Innes has said as to the loss of revenue, it must be remembered that the Budget position has been improved to the extent of one crore by the transfer of one crore from Revenue expenditure to Capital expenditure under the head of Posts and Telegraphs. I notice Mr. Joshi smiling. I am not at the moment referring to the increase which we have this afternoon put on the postage on letters. I commend this subject to the sympathetic consideration of the House.

**Mr. T. V. Seshagiri Ayyar :** Sir, having regard to the attitude taken up by the Government, I think it is desirable that I should warn the House against the impression which will be created throughout the country if this motion is accepted. At a time of financial stringency we are asked to remove a tax which has been in force for a number of years. Sir, the figures given us in the explanatory memorandum are these : In the year 1917-18 tea brought to the Government Rs. 43,83,261; in 1918-19, Rs. 43,85,778, the next year Rs. 54,50,724; the year after Rs. 41 lakhs odd, and in the coming year the

Government is budgetting for about 50 lakhs. At a time when the country is asked to undergo a fresh duty upon matches and umbrellas, we are asked to remove a tax which has been bringing to the Exchequer something like 50 lakhs. If we allow this thing to be done, what will be said outside is this—Because in this House there are powerful exponents of a particular industry they have been able to carry the House with them and that they have ignored the wishes of the people and have not consulted their interests. I think, Sir, it would be disastrous if such a feeling should prevail, and I hope that in the interests of justice this motion will not be pressed to a division.

Sir, as has been pointed out by Mr. Innes, if this tax is to be taken away, we might very well be asked that the tax on hides, which is likely to bring in one crore, be removed. Mr. Rangachariar might come forward with a motion that land revenue is very high and agriculture has suffered a great deal, and that land revenue should be reduced. Having regard to the fact that we are dealing with a period when we cannot afford to lose anything we have already got, it would be a very bad precedent that we should be asked to give up 50 lakhs because the tea industry wants it. As was pointed out by Mr. Innes, the present position of the tea industry is in no way due to the tax that is levied. It is due to other causes, and, in these circumstances, there is absolutely no reason why we should be asked to take off that tax.

**Munshi Mahadeo Prasad :** Sir, at a time when we have passed the Indian Tea Cess Act, the application of which is asked not to be brought into force, at a time, Sir, when we are arithmetically calculating every pice of the budget figures, I do not think this will be the proper time to relax the export duty on tea, especially, Sir, when it was due to the eagerness of the tea-planters that they brought more land under the cultivation of tea. Sir, tea is not a necessity of life, especially to Indians, as food-stuffs are, and I submit that at this juncture it will not be proper for this House to remit the export duty on tea. With these few remarks I beg to oppose the motion . . .

**Mr. N. M. Joshi :** Sir, the tea industry seems to be a very privileged industry. We were told that its transactions are free from income-tax. Sir, everybody here perhaps knows also that it secures its labour by legislation which puts the labour at the most disadvantageous position. It makes the labourer practically a slave. It has been getting that labour in that way for a number of years, and it is still getting labour by special legislation. . . .

**The Honourable the President :** Order, order. If I allow the Honourable Member to open up that controversy, I shall have to allow other people to answer it. It is getting too late for any latitude of that kind.

**Mr. N. M. Joshi :** My only intention was to say that the tea industry is being given a privilege by Government, and therefore Government is fully at liberty to tax that industry for the sake of the revenue of the country, and if the industry does not pay its labour sufficiently to attract it by ordinary means, then certainly there is nothing wrong if the tea industry does not prosper in this country.

**Mr. R. A. Spence :** Mr. President, I am not interested in the tea industry as I come from Bombay. But with regard to what has fallen from Mr. Seshagiri Ayyar I think it is only fair to remind Honourable Members that, although if you take off this export duty, you have got to find the money, there are other motions coming before the House which will have the effect,



[Mr. R. A. Spence.]

if passed, of increasing the revenues of this country, perhaps in a fairer way to the people of this country, than by taxing one of the principal industries of the country.

**Mr. Eardley Norton:** Sir, the action and the attitude of the Government in its declaration of neutrality on this motion throws upon the private members the unpleasant onus of supporting the taxation which it is sought to omit. The Government thereby escapes adverse criticism and odium outside and inside this House. It shifts the burden from its own shoulders on to ours and forces us to face a responsibility which the Government ought itself to face and enforce.

Government ought in fairness to tell us whether if this motion is carried and they lose about 50 lakhs of rupees, they have any suggestion to make as to how and whence we are to replace this prospective loss. We have to consider this aspect of the case and its influence upon the present discussion; and although we in this quarter are, I am sure, as sympathetic as any other member of this House elsewhere with regard to the unfortunate position in which the tea planters of India find themselves, still we have to produce the money for the budget which we have already passed; and if we proceed, as we have been proceeding to-day, making large remissions, first of 75 lakhs with regard to posts, and now, as contemplated, surrender another Rs. 50 lakhs, and next with Mr. Pickford waiting in reserve to make a further indent upon the charity of this House, it seems to me that the main source of revenue left to the Government will be a further increase in the income-tax.

That is a possibility which I contemplate with trepidation and horror. Therefore, I fear, we must shoulder the very unpleasant responsibility of voting against this and kindred motions. I think it is fair to ask Government whether if we lose this revenue what substitutes they can offer whence to replace the loss.

**Mr. Harchandrai Vishindas:** Sir, the only argument which has been advanced for removing this taxation on tea is that there is a slump in the industry, but I think that argument is not of any avail in respect of taxation on other articles. For instance, there is a slump in the piece-goods trade, but I do not think that piece-goods merchants are going to use that argument and ask Government to remove the taxation on piece-goods. I think, Sir, although Munshi Mahadev Pershad's remark created a laugh among the gentlemen who have spoken in favour of the amendment, he was quite right in saying that tea is a luxury, and that being the case, the fact that there is a slump in the tea industry should not stand in the way of raising a revenue from it.

**Mr. B. Venkatapatiraju:** Sir, I would appeal to Sir Frank Carter to save the Government from the awkward situation in which they have been placed on this Resolution. After all, what is the tax they have to pay? They are paying, I think, only Rs. 1-8-0 on 100 lbs. Well, have they escaped paying taxes in England? They cannot appeal to the British Government to save them and to allow this tea to be imported without payment of any tax. Perhaps, they have to pay there much more than the petty sum which is paid in India. They are growing and selling tea to the extent of Rs. 18 or 19 crores according to the 1918-1919 figures, and they have to pay here not less than Rs. 50 lakhs in the way of taxes. Then when they

make 18 crores of rupees on tea, they have to pay Rs. 50 lakhs, but when they sell in England they have to pay double or three times or more by way of taxes. They cannot ask for any exemption there. I do not think the British Parliament would be so solicitous as to exclude any article from taxation. Can we reasonably ask for any exemption when taxation is imposed on various articles which will immediately affect the poor? I hope my Honourable friend will not press this Resolution when we are hard up for money. After all, only a few tea planters will be affected by this, and they are making about 18 crores, if not more, and they are not poor. They also can contribute along with others. On account of famine, and failure of harvest when thousands of people are suffering in India, I think they should help the poor people of India by contributing their quota of public expenditure. I would, therefore, appeal to Sir Frank Carter not to press this Resolution.

**Lala Girdharilal Agarwala:** Sir, I move, that the question be now put.

**The Honourable Mr. W. M. Hailey:** Mr. Eardley Norton has suggested that we should relieve the House from the odium which we have attempted to place on it by the statement (made by Mr. Innes) that Government would leave the decision to the House. I cannot accept the imputation that we have endeavoured to place the House in an invidious position by putting on it the burden of the decision. Is there any question now in which we do not put the choice to the House? There was a time when we commanded a majority, and we could control its decisions. In those circumstances Government was sometimes wont to stand aside and say, 'we would like non-official opinion to decide this case'. But we do not now command a majority in the House. Looking round the benches, I notice that even such few official members as we possess, seem to depart on their various lawful vocations in other directions. I cannot, therefore, accept the suggestion, Sir, that we have acted in any way unfairly in putting the position as Mr. Innes has placed it before the House. He has admitted the depression in the tea trade, and that is a fact beyond any question whatever. He has suggested that depression in itself is not due to our export duty, but has asked the House to decide whether the circumstances require that the export duty should be abandoned. He has stated to the House that if the export tax were removed, it would cost us Rs. 50 lakhs. He has placed all those factors before the House and he has asked for the decision of the House on the subject. Where is the unfairness of such a proceeding?

On the other hand, Mr. Eardley Norton has asked me a question which it is my duty to answer. He has asked me whether, should this tax and its source of revenue be removed, we have any proposal for replacing it. Sir, this and the following amendment, if carried, would cost us a sum which we estimate at Rs. 11 crores. I think that some of my friends just now were sceptical as to the suggestion that it would bring us in so much. If we are wrong in that supposition, we shall subsequently regret it; but for the present that is the amount that we have placed in our budget. We can put forward no suggestion for replacing the sum thus lost unless we increase the Income-tax or unless we increase the Customs duty, because I place out of court any suggestion such as a further charge on salt or an increase in the surtax on freight. Those are the facts.

**Rao Bahadur T. Rangachariar:** May I ask, Sir, if Ceylon has removed the export duty on tea which it imposed along with India?

**The Honourable Mr. W. M. Hailey:** It has not yet been removed.

**Sir Frank Carter** rose to speak.

**The Honourable the President:** The Honourable Member has already spoken.

**Sir Frank Carter:** I moved the amendment, Sir.

**The Honourable the President:** I do not find anything in the Standing Orders which gives the Mover of an amendment the right to reply.

The question is :

‘That to clause 2, the following new sub-clause be added, namely :

‘(3) With effect from the 1st day of April, 1921, in the Third Schedule to the Indian Tariff Act, 1894, item No. 5, relating to Tea be omitted.’

The motion was negatived.

**Mr. A. D. Pickford:** Sir, I may say that in view of what has just occurred I rise with some trepidation to propose the next amendment. It is :

‘That to clause 2, the following new sub-clause be added :

(3) With effect from the 1st day of April, 1921, in the Third Schedule to the Indian Tariff Act, 1894, the third entry relating to ‘Raw Hides and Skins’ shall be omitted and entries 4 and 5 shall be re-numbered 3 and 4, respectively.’

I might have been tempted, Sir, in view of the opinion of the House as expressed on the amendment which was moved by Sir Frank Carter, not to have pressed this suggestion upon the House. But, as a matter of fact, the case on its merits has all the strength admitted strength may I say, of the case that was put for tea ; but it has additional merits of its own. I am taking it for granted that the House generally do admit the merits of the tea case. I mention the tea case because it is largely bound up with this. One member, it is true, ventured to suggest that while the tea industry was not as rich as it used to be,—it was not poor—I do not think he would have pressed that argument. I see the eye of the Honourable the President on me, and I will herefore get straight to the subject of this particular amendment.

As I have said, the arguments in support of the abolition of the export tax on tea apply equally, and as strongly, to the removal of the export tax on Hides. But there is a very strong additional reason, namely, that the hide tax was imposed with the support of the leather industry in India for a definite purpose, entirely unconnected with any addition to revenue—and I am quite sure that when the Government member gets up he will admit this—that it was put on for a certain definite purpose entirely unconnected with revenue. I repeat that because it is the point of chief importance in the case which I am placing before the House. The special purpose was to protect Indian tanneries established during the war, and, incidentally, to ensure that such Indian hides and skins as the Tanneries in India could not deal with should be tanned, as far as possible, within the Empire, a purpose, you will observe, entirely unconnected with revenue. The first object was intended to be secured by the export

tax, and the second object by the rebate of 10 per cent. on hides and skins tanned in countries within the Empire.

Since the tax was admittedly not a revenue tax, there should be only one consideration in the minds of members of this House. Has it, or has it not achieved the object in view? There can be but one answer—it has not. Then I do contend very strongly that the House is not justified in retaining now for revenue purposes a tax which was imposed for quite other reasons. As I have said, the only consideration that should weigh with the members of this House is—has the tax fulfilled the purpose for which it was imposed or has it not? There can only be one answer. With the exception of one or two individuals whom I am compelled to call misguided, the views of all connected with this article of manufacture and export are agreed on that point.

It is not suggested, any more than in the case of the tea industry, that the condition of the industry has been brought about by this duty, but it is an important contributory cause and may easily turn—indeed in many cases it has turned—embarrassment into definite failure.

Now a word or two about the hide industry. I do not propose to go into any great detail although the figures that can be adduced in support of this amendment are very eloquent. I am not, I say, going in great detail into the condition of the industry, but I wish, however, to point out that the Indian hide industry has to compete with a very large number of other countries of which only one—the Argentine—has had an export duty now either removed or about to be removed, and the Indian exporter is in consequence at a notable disadvantage in the field of competition. This is greatly aggravated by the fact that the inferior grades—on which, for reasons I shall mention in a moment, the tax bears especially heavy—are not greatly wanted by British tanners, and the rebate is therefore of no assistance to the trade in those qualities.

The reason why the duty has borne with extra weight on the inferior grades is this. The tax is calculated, as I have no doubt many of you know, on prices fixed periodically for the purpose of calculating the amount of duty payable. That is common to many other articles of export. The tariff rate stood so far above actual market prices that instead of paying 15 per cent. duty, the lower grades were paying anything from 30 to 50 per cent. and low grade goat skins in some cases as much as 150 per cent. It must be remembered that the bulk of Indian hides are of the lower grades, and that is why I lay special emphasis on this point. The position is especially injurious, it is noted, to the Indian cattle owner, whose interests this House will be especially expected—as I am sure they will admit,—to protect.

I will now recapitulate. The tax was admittedly not a revenue tax. The purposes for which it was imposed have not been achieved. All, or practically all, engaged in the hides and skins industry and exports desire its abolition. The tax has assisted in the ruin of many already and it will assist in ruining more. The tax injures the Indian cattle owner. Surely that is a long condemnatory list of this peculiarly unsound tax?

On the general question of export taxes we have heard Mr. Innes and we have heard others. I do not know whether the non-commercial members of this House realise what a fatal policy it is for any country to begin to raise its money by this hopelessly economically unsound device—I can call it nothing else—of imposing taxes on exports. They may produce a certain amount of

[ Mr. A. D. Pickford. ]

money for a certain time ; it is perfectly certain they will, at the same time, produce a condition of things unfavourable to the trade of the country. We know what the special economic problem of India at present is. It is to get the balance of trade right in order that the position of exchange and therefore the position of India may be improved. Are we, under these conditions, to retain a tax which everybody, I believe, will admit is economically unsound, which this House is not justified in retaining for purposes for which it was never imposed, which has not fulfilled the purposes for which it was imposed and which those concerned in the industry itself are anxious should be removed. I submit, Sir, that the case for abolition is overwhelming and I feel sure that the arguments I have adduced will commend themselves as strongly to the members of this House as they have to those immediately connected with the hide business. I therefore ask that this amendment be accepted by the House.

**Sir Logie Watson :** Sir, I am extremely sorry and disappointed that my Honourable friend Mr. Pickford should have brought this amendment forward. I have listened to a very eloquent speech, but it is one that has impressed me very little.

I feel that the Honourable Member has not given much thought to this matter and has dealt with it as if it had merely been passed on to him by a friend, and not as if he were intimately acquainted with the subject himself. It is over 25 years ago, Sir, since I urged upon Government the introduction of an export tax on hides and skins. I repeated my representations year after year. In those days, Sir, Government was not so well run as it is to-day, and I was not listened to. During the war, however, there were certain changes made and a Munitions Board was started. And I am glad to say that my friend the Honourable Sir Thomas Holland saw the object of what I had been urging for years. Sir, if this tax which is now obtaining had been introduced at the time I recommended it, we should not have had a deficit to face to-day, because, if the revenue from the tax had been put into a sinking fund, it would have amounted in my opinion to over 4 millions sterling per annum, and we should have been paying our taxes from the interest. Now, Sir, the object of introducing this tax was to encourage and develop the tanning industry in India. It is true that it has not accomplished this ; but this is due greatly to the world's slump in hides and leather. Another point, Sir, that influenced me all along in this matter is this. England is the only free market for tanned leather. We are debarred from sending an ounce of leather even to our own Colonies, to America, Germany, France and Italy, in consequence of their extremely heavy import duties. They do not want our manufactured articles. What they want from us is our raw material. Sir, at one time America was taking from us about one million goat skins per month. They were going into the country free. She manufactured these into chrome leather and sent them back to India again in a tanned state and frequently in the form of boots. She swamped the English markets with boots and ruined the home manufactures. That was the kind of thing we had to face, and why should we seek to drop a duty that was brought into operation in order to get us a little of our own back. The Honourable Mr. Pickford asks me, did it do it ? No, Sir. It has not done it. It would have done a great deal to help us if conditions had been normal, and it will accomplish a great deal more if Government

will take into consideration what I urged upon them many years ago, namely, to make the duty into Germany, France, Italy and other countries commensurate with the duty which they impose upon our manufactured articles. When that is done, India will be in a position to supply the world with tanned leather. Sir, Mr. Pickford has pointed out that in putting his duty on our raw hides, we have to compete with other countries. Sir, having been in the leather trade for only 32 years, I do not know what other countries he refers to. I should like to know if he will be good enough to tell me. I do not know of any country, Sir, producing buffaloes in the numbers in which they are produced in India. We find a few stray ones in Egypt and occasionally around Constantinople and Smyrna. But I have never seen them in numbers in any other part of the world, and I say, therefore, that India has a monopoly of buffaloes, and as a monopoly we ought to protect it to our own advantage. I am not aware, Sir, that any other country in the world produces cow hides of the qualities and kinds that India produces. But I am subject to correction. Sir, I am intimately acquainted with China hides. China does not produce the same class of cow hides as India does.

The China cow hide is as heavy, generally speaking, as our average buffalo hide. China hides are used for the soles of boots. Indian cow hides are used for the uppers of boots. That is the difference, Mr. Price, between an average China hide and an average Indian cow hide. I do not think it is necessary for me to say any more except this much, that 90 per cent. of our raw goat skins went to America during pre-war days, while our tanned leather was prevented from going into the country. Over 90 per cent. of our cow hides went to Germany for distribution on the Continent. A very small percentage went to England. There were two reasons for this. England had no outlet for tanned leather for the same reasons that we have been suffering from, and in the second place, she had no use for our low grade hides. These went to Germany which turned many of them into boots for our enemies during the war, and frequently in pre-war days returned after tanning a large percentage of them to London at twice the price she paid for them in India. It was to put a stop to this kind of thing if possible, that Government agreed to introduce this tax on the export of hides, and I am quite sure that the feeling of the members at this meeting is that it shall remain on.

**Mr. E. L. Price :** I have listened with great interest to Sir Logie Watson's speech. I think it is admirable. I agree, with almost every word he says, but the unfortunate thing is that he has not addressed himself to this particular export duty at all. He has addressed himself to an entirely different question, a question on which, in the aspect he puts it, I should be rather inclined to agree with him. But I in supporting Mr. Pickford am not opposing Sir Logie Watson in his main contentions. What I am opposing is a very different thing, the Preferential Hide Export Bill of September 1919, which I put to Sir Thomas Holland, has failed miserably in operation owing to certain integral features of that Bill, which Sir Logie Watson has not even referred to.

I am not discussing with Sir Logie Watson or this House any general question; I am rather pointing out the defects of this particular Bill. First of all, I may say that this preference is not palatable to Great Britain,—I will explain that in a moment,—and as to the competition with China hides,—well, of course, when two of a trade cannot agree it is very difficult,—but I assure Sir Logie Watson that I have handled Kasur-Mandi hides, a place which produces

[Mr. E. L. Price.]

some of the heaviest hides in the Punjab, hides of much the same quality as the China hides, hides that will turn out an average of 30 lbs. per piece. There is an element of competition between India and other countries to secure a vent for our output. Now, Sir, as I am intimately connected with this business, and I really know the article—I do not know tanning, but I can really handle the raw article itself and I was on a sub-committee of the Karachi Chamber of Commerce last July when a number of questions were put before us, matters referred by other Chambers and so on. We went into the thing with some care, and I should like to give the House a gist of the report that we put up to the Chamber, which the Chamber examined and accepted and forwarded to the Government of India. It is dated 6th July 1920. First of all, this report examined the reasons put forward by the Honourable Member in the Imperial Legislative Council in 1919 in explaining the object of the Bill and so forth, and it said that the object of the Bill was to protect the Indian tanneries started during the war and for such hides and skins as they do not require to be tanned as far as possible within the Empire. Sir Logie Watson has built up a magnificent Indian business in Cawnpore. All credit and honour to him. He did it without any preferential duty. He built up his business as he told us himself 25 years before he could persuade a member of Government to take up the question for him, and the point was that when this Bill was started it was to protect the Indian tanneries started during the war, not Sir Logie Watson at all. There is a laconic remark here that the Indian tanneries do not seem to have benefited as expected! As a matter of fact what happened was this. Sir, under the influence of this supposed protection the tanneries all went ahead and slightly over-produced and I am afraid the quality fell off. I am not of course referring to the Cawnpore tannery. As a consequence they were hit very badly in a falling market with inferior goods.

To continue :

‘A preference of 10 per cent. so far from helping Empire trade has proved a hindrance. The British trade is largely entrepôt. The merchants concerned buy freely Plate, China African and other sorts and can resell and reship them freely to the best buying markets and only in the case of Indian sorts are they under customs liability. This causes them to give an actual preference to free, that is, to Non-Indian sorts, so far therefore from the so-called Preference having helped Empire trade, it stands in the way.’

Now, Sir, I must diverge from the Karachi Chamber Report on this point to tell the House what happened. Government in the case of goods being shipped to a port within the Empire collected a 5 per cent. duty and took a bond for 10 per cent. That 10 per cent. bond is supposed to be liquidated within six months in either one of two ways. It can either be liquidated by cash payment for its face amount or it can be liquidated and cancelled by the production of a certificate in due form when the goods are tanned within the Empire. Now what happened was this, Sir. In respect of the goods shipped from India since September 1920, the Government of India found the trade in a great mess. I may tell the House that I am not involved because I find, I particularly looked it up, that all I owe is only Rs. 300. But I do not know how much is the amount which the whole trade owes to Government on those bonds, but it is very certain that Government cannot be paid, and Government has in fact extended the time for payment from six months to two years. Does that seem a very useful sort of way of conducting your business? You make an arrangement that turns out so impossible that you finally have to

extend the time for two years! To go back to the report of the Karachi Chamber :

‘The duty has fallen upon the producer, that is the cultivator and the herdsman, and the confusion caused by the export duty has probably cost them far more than the Customs have collected. The Honourable Member also laid great stress on the world demand for Indian hides and skins. These observations were of course based on pre-war conditions and we have to put forward the following points.’

Now Calcutta is some thousands of miles away from Karachi. We handle an entirely different sort of hides and skins, but there are many points of resemblance in our experiences. These facts are not produced in collaboration at all :

‘The world demand is only for the highest grades, which in India form a small proportion of the whole. The lower grades are and always have been difficult to sell. The demand for Indian hides and skins is affected by several changes resulting from the war, namely the use of substitutes for leather, the diminished purchasing power not only of enemy but of allied countries as shown by their exchanges and the unwillingness of the English tanners to handle the average hide and skin. The English tanners consider only the highest grades of Indian sorts are worth the present high cost of labour’

The Honourable Member in introducing the Bill also observed :

‘It is common knowledge that before the Indian hides trade was monopolised by the Germans’

That was true only of Calcutta; it was utterly untrue of the Karachi trade, and it is impossible that the Germans should recover their monopoly at Calcutta as they have lost their shipping. The Germans had no monopoly of the skins trade anywhere.

The Chamber Report goes on to say :

‘We have already mentioned in certain paragraphs the difficulty there is in marketing the lower grades. Yet under the system adopted these goods have to pay the same export duty as the higher grades, thus adding to the natural difficulties of the case.

The collection of duty is a cumbersome affair involving much extra clerical labour, and is a genuine obstacle to business when prompt and immediate shipment is required, the bonds required for shipment to British ports are even more troublesome.

The idea of the duty as per (1) is to protect Indian industry. Great labour is expended on the fleshing, stretching and preparation of ‘framed’ hides. The essential difference between an ordinary and a framed hide lies in this labour. The higher export duty on the ‘framed’ is therefore a tax on the labour expended. It is in fact a higher tax on a partly manufactured article. But if an export duty is leviable, we admit a higher schedule value for framed hides is unavoidable.

India has no monopoly in the supply of goat and sheep skins. Under the duty it is an undoubted fact that she is finding the greatest difficulty to market her surplus production.

The bazar price for hides and skins necessarily has to cover the cost of their collection and transport. At the present prices ruling for the lower grades of hides and skins, there is no incentive for the country folk to collect and market these. The result is a distinct economic loss.

If the object of the export duty is to support Indian tanneries, it can only be by reducing to them the cost of their raw material.’

And there that Report seems to stop, though to the best of my recollection the original had :

‘It would only be reducing to them the cost of their raw material at the expense of the producer.’



[Mr. E. L. Price.]

All that, of course, has been substantially admitted already, Sir, by Mr. Innes. So I do ask the House to remember that this amendment is not against any form of protection. The House is undoubtedly protectionist, I think. It amazed me, therefore, that they willingly taxed an Indian industry just now like the tea industry. It will amaze me more, therefore, if they want to go on and tax an Indian industry like this. But I want to appeal to another point, Sir, that I mentioned in my speech on the 8th of this month, that I do not think anybody quite took up. When Government interfere in this extraordinary way with an established business, they in fact attack a business that was the monopoly of the Muhammadans as far as the Punjab and Sind are concerned. I know many of these men, in the trade for many years, and the Muhammadans of the Punjab and Sind are not great adepts at business. This was one business that the Hindus left wholly to them, as you will understand. The interference with that trade has come very hard indeed on these men, and, I understand, that there are some other points more intimately connected with the drawback to these people that Mr. Chaudhuri Shahab-ud-Din wishes to explain as he knows them better than I do. I may say also that, as far as I remember, there are four European firms in Karachi connected with this trade and all the firms in Amritsar, Lahore, Multan, Sukkur, Hyderabad and in Karachi are of course Muhammadan Indian firms.

This is not a European question or anything of the sort. This is, if anything—if it is confined to any particular section of the community,—it is really a Muhammadan question, for it is undoubtedly their trade in my part of the country.

**Mr. C. A. Innes:** Sir, the hour is late and I do not propose to detain the House very long. My position is very much the same as it was in respect of the export duty on tea. I should, in the first place, like to remind the House that when we introduced this export duty on hides and skins last year we did it with the trade behind us—in fact, at the instance of the trade . . . .

**Mr. E. L. Price:** What trade, Sir?

**Mr. C. A. Innes:** The Hides and Skins Shippers Association, as the Association was then constituted, was in favour of an export duty on hides. The Southern India Skin and Hide Merchants Association was strongly in favour of an export duty of 20 per cent. *ad valorem*, and we had the Bengal Chamber of Commerce behind us. When we introduced the Bill into the Indian Legislative Council, it was welcomed on all sides. I am free to admit, Sir, that when we introduced that Bill, we were probably a little too optimistic, but everybody else was too optimistic. We all thought that the War would be followed by a trade boom which would last at least for five years. We thought there would be a tremendous demand and great competition for our raw materials. We thought we should be able to dictate the terms on which that raw material should leave the country, and we put on this export duty, as Mr. Pickford said, not as a revenue producing measure, but partly for the purpose of fostering the tanning industry in this country and partly for keeping a key industry within the Empire. Now, Sir, whatever the merits or the demerits of export taxes may be, they at any rate have this disadvantage. If when you have an export duty upon a trade or an industry that industry drifts into a period of depression and stagnation,

then Government is at once attacked for having put on an export duty. The export duty is accused of being the cause of all the troubles under which the trade is labouring. Now, Sir, in this particular case, as Mr. Pickford admitted, nobody is able to say or indeed has said that our export duty is the cause of the stagnation of the hides and skin trade. Everybody knows what that cause is. Owing to the collapse of the foreign exchanges, owing to the fact that Germany and Austria cannot buy, there is practically no outlet for our hides and skins. The tanning trade throughout the world is depressed. It is depressed in the United Kingdom, it is depressed in Europe, it is depressed in India. The result is there is no demand for our hides and skins, and that is the main reason why this industry is in a state of depression. But, Sir, it is just here that the danger of the export duty comes in. We have this depressed trade. Later on we may hope—probably towards the end of this year—that trade will begin to revive, and the point, the real point and substance which has been put to us by those interested in the hide trade in India, is that when trade begins to revive, it is just then that your export duty of 15 per cent. may do us harm. That is the main point which has been put before us. Well, we have considered this question. The position is precisely the same as it is in respect of the tea industry. We have got this export tax. We estimate that during the coming year it will bring in one crore of rupees. The trade has asked, and asked with a certain amount of reason, that the tax should be taken off. Well, if that tax is taken off, it means that we shall lose a crore which we have to make good in some other way. It is for the House to consider that if we take off this duty and give up that crore, we have got to find that crore somewhere else, and that is the position which I wish to place before the House.

**Rao Bahadur T. Rangacharia :** Sir, I propose that the question be now put.

**Chaudhuri Shahab-ud-Din :** Sir, the question is an important one. It is rather too late now and I mean to address the House for about half an hour.

It is an important question, and touches the Muslim commercial community throughout India. I have received complaints and representations. Therefore, I would request the Chair to give me time to-morrow, unless, of course, the House is prepared to sit now. I shall try to be brief. . . .

**The Honourable the President :** I may say for the Honourable Member's information that I did not accept the motion for closure moved on my left, because he had been specifically mentioned by name by the Honourable Member from Karachi. It is a well-known Parliamentary practice that, when a member has been particularly mentioned by name by a previous speaker and that member rises to speak, he is called by the Chair. He has a kind of prescriptive—not an absolute—right owing to the mention of his name in debate. Otherwise I should have accepted the closure.

**Chaudhuri Shahab-ud-Din :** Sir, it was on the 11th September 1919 that the export duty of 15 per cent. was imposed on hides and skins. The reason which was then assigned by the Government, and I believe the reason which is yet maintained, is that tanning in India is to be encouraged, that the tanning industry has to be improved; we are told that it is in our interests that

[Chaudhuri Shahab-ud-Din.]

this export duty was imposed and that it is in our interests that it has been continued. Let us see what are the facts, and whether the purpose which was in view of the Government has been achieved or, whether it has failed. In reply to a question which was answered by the Government on the 1st of this month, Government stated as follows. I shall only read the relevant portions. The question was No. 340—‘What quantity of raw and tanned hides and skins were exported in the 12 months preceding the 14th September 1919, when an export duty of 15 per cent. was imposed on raw skins and hides, and what quantity has been exported since then?’ The reply was ‘that during the 12 months preceding the imposition of export duty 32,900 tons of raw and 29,577 tons of tanned hides and 33,006 tons of raw and 5,033 tons of tanned skins were exported.’ As against these figures let me quote the figures of exports during the year 1920. From January 1920 to the end of December 1920, the figures are:—Raw hides—24,952 tons, tanned hides 7,178 tons; raw skins 16,186 tons and tanned skins 3,135 tons. A comparison of these figures clearly shows that the export of raw hides and skins has gone down considerably; and that the export of tanned hides and skins, as compared with the figures for the 12 months preceding the imposition of the export duty, is ridiculously small—as against 30,000 tons before we had only 7,000 tons of hides and as against 5,033 tons we had only 3,135 tons last year. These figures speak for themselves. Do they show that the tanning industry in India has received a stimulus by the imposition of this taxation, or that, on the other hand, it has received a set back? Sir, this much on facts. There are some other considerations, very weighty and important considerations bearing on the point. I would like to refer the House to the book called the Handbook of Commercial Information for India by C. W. E. Cotton, 1919 edition. A reference to this book will show that in 1917 when skins and hides were not needed on the Continent, an embargo was placed on the trade of Indian skins and hides. Those who deal in skins and hides not only suspect but believe and say, they have said so in newspapers, that they have been treated harshly. I have got cuttings from some newspapers to this effect, but as I did not expect this matter to come up to-day, I have not brought them with me. They say that as the market was over-flooded in Europe, the Indian interests were ignored and this customs duty of 15 per cent. was imposed upon the export of hides and skins. That is what they say. Of course, I do not do business in hides and skins. Therefore I cannot vouch for the accuracy or inaccuracy of this assertion, but the assertion is there. Now, this Handbook on page 207 says:—‘Gradually, however, the capacity of the English tanners has been extended to deal with the increased supplies of raw hides from India.’ On the one hand tanneries have been opened in England and their capacity has been extended. It has been increased,—for what purpose? For the purpose of tanning *Indian* hides and skins or the hides and skins of other countries. On the other hand, we are told that tanning in India is to be developed and that this taxation has been imposed accordingly. Sir, this duty, as was very rightly pointed out by Mr. Pickford, has ruined many a Moslem trader in India. Trade in hides and skins is perhaps the only trade in the hands of the Mussulmans of India, and it has received a rude shock and a severe blow by this taxation. Sir, it is said that when Indian skins were exported to the United States of America, they were sent back as chrome leather, very well tanned and fit for uppers of gentlemen’s boots. It was intended that this should be stopped, and that India should tan her own skins for her own use. Does

not the same argument apply to cotton? Why is it that cotton is not subjected to any export duty? Is not cotton wanted in India? Is it not a fact that the very cotton which is exported from this country in enormous quantities, is returned to this country in the shape of fine manufactured goods? Does not the same argument apply in the case of hides and skins? Sir, I may tell the Assembly that all people, especially the Mussulmans, are suspicious, and I for one would say that they are fully justified in their suspicions.

The Honourable members of the Assembly, I hope, will agree with me that the climate of India is not so suitable for tanning as the cool climate of England, America or Germany. Tanned hides of India can never compete with the tanned hides and skins of the Continent or the United States of America. Therefore, however good the intentions of the Government may be in imposing an export duty with the object of developing and promoting the tanning industry of India, it is yet a question, whether Indian tanneries will ever be able to hold their own against the English, Continental and other foreign tanneries. Therefore, the argument advanced by Government has no force. Sir, one very important result of this taxation is that the price of hides and skins has fallen. With the fall in the price of hides and skins, the price of mutton and beef has gone up. Where we used to buy mutton at 4 or 6 annas a seer at Lahore, now we can get good mutton at Re. 1 a seer. If the skin *plus* mutton is worth Rs. 5, and if the skin sells for Re. 1 only, the seller must try to get Rs. 4 out of the mutton. But if, on the other hand, the price of the skin were Rs. 4, the price of mutton would naturally be Re. 1. . . . .

**The Honourable the President:** Order, order. I do not think we are considering anything but the outside of these animals.

**Chaudhuri Shahab-ud-Din:** It is, Sir, a notorious fact and within my personal experience, that when the price of skins was high the price of mutton was low, and *vice versa*. There can be no two opinions on this point.

Then, Sir, those who are very anxious in this House to reduce cow-killing in India, must remember that if the price of mutton goes up every day, those who eat meat must perforce resort to beef. Those who want to protect cows from being killed, must help the noble cause. It has been already alluded to by one of the speakers that had this duty not been imposed upon the export of hides and skins, their export value might have, to a certain extent, turned the balance of trade in favour of India and thus ameliorated the condition of exchange to some extent. These, Sir, are some of the considerations which I wished to place before this Honourable House.

I request the House to vote in favour of the abolition of this tax. When one community—one of the most important communities in India—is, as a body, suffering and many of its members have been ruined already and many others are on the brink of ruin, I think this House should take some notice of its grievance. They have sent memorials to Government, they have appealed to Government, they have requested their representatives in this Assembly to represent their case to Government, and it is in compliance with their wishes that I have said all I have said on this subject to-day. As I said at the outset this is a very important matter and I am very sorry that my Mussalman colleagues who were present in the morning, are not now

[Chaudhuri Shahab-ud-Din.]

present to give me their support. But I hope that my Indian as well as my European colleagues will lend their support to Mr. Pickford's amendment and get this objectionable tax removed.

**The Honourable the President :** The question is :

‘ That to clause 2 the following new sub-clause be added :

‘ (3) With effect from the 1st day of April 1921, in the Third Schedule to the Indian Tariff Act, 1894, the third entry relating to ‘ Raw Hides and Skins ’ shall be omitted, and entries 4 and 5 shall be renumbered 3 and 4, respectively ’.

The motion was negatived.

**The Honourable the President :** The question is :

‘ That clause 2 as amended do stand part of the Bill.’

The motion was adopted.

The Assembly then adjourned till Saturday, the 19th March 1921.

# THE LEGISLATIVE ASSEMBLY.

*Saturday, 19th March, 1921.*

The Assembly met in the Assembly Chamber at Eleven of the Clock. The Honourable the President was in the Chair.

## THE BUDGET—THE INDIAN FINANCE BILL—*contd.*

### FINAL STAGE—*contd.*

**Mr. Eardley Norton:** Before the business begins, may I be allowed to make a request to the Chair on which I understand that I have the unanimous support of the House or at least of a very large part of the House. We are quite aware, Sir, that we are behindhand with the Finance Bill, but for reasons of personal convenience, many of us feel that our presence here after two O'clock to-day would cause us very grave and, we think, unnecessary embarrassment. Many of us have not yet received our post, dealing with serious matters connected with our business. Some of us have had no breakfast. May I ask if the House will be prepared to adjourn to-day at 2 O'clock?

**The Honourable the President:** From the point of view of personal convenience, I am sure that every Member of this Assembly willingly accepts the suggestion made by Mr. Eardley Norton, but, before coming to any decision on the point, I think I must hear what the Honourable Finance Member has to say. We must get ahead with business. I can only say in general terms, that if we lose two or three hours of business this afternoon, we may find that we have to pay seriously for it next week.

**The Honourable Mr. W. M. Hailey:** Sir, I should be very unwilling, indeed, to oppose any motion which is desired in the interests of the convenience of the House, but the facts are, that unless we get through our Bill to-day, it will not be possible to lay it before the other House on Monday. The next date possible is Thursday, and this would give the other House insufficient time to consider it and send it back to us with any amendments that they desire. The consequence might be that we should only have to involve ourselves in further delay at the end of the proceedings instead of at the present stage. I had hoped, Sir, that when I made an appeal to the House for expedition the other day, I carried the House with me: in fact I think I heard from the other benches signs of assent which appeared to me to show that the House was prepared to get through this urgent piece of business as speedily as possible.

**Dr. Nand Lal:** Sir, on a point of order. I very respectfully submit that I am in favour of it, even though we may sit up to 9 O'clock to-night, that we may see this work, before us now, finished to-day.

**The Honourable the President:** I think we may have some compromise between the hours of 2 and 9. As the Honourable the Finance Member has suggested, the hour of rising is, after all, entirely in the hands of Honourable Members themselves. A slight reduction in the periods of their eloquence will no doubt enable us to adjourn much earlier than we should otherwise do.

**Dr. H. S. Gour :** May I ask, Sir, a question relating to the procedure in this House ? If a motion is carried by this House under a conceivable misapprehension, is it open to this House to recall that motion by having it re-discussed and a division taken ? I specially mention this in connection with clause (a) of section 68, which says, that when a Bill is introduced, or on some future occasion, the Member in charge may make one of the following motions in regard to his Bill, namely : that it be taken into consideration by the Assembly. Now, as I read this clause, it may be that the whole House is in committee and the Finance Bill is under discussion by the whole House sitting in committee. If that be the correct view, I submit, that if this House decides any particular point and wishes that matter to be reconsidered, there is nothing in the rules, so far as I am aware, to prevent the House from doing so.

**The Honourable the President :** I may say for the Honourable Member's information, that I have taken the matter into consideration. My consideration is not yet complete, but I hope to be able to say something further on it before the rising of the House this day.

#### PRECIOUS STONES.

**Mr. Manmohandas Ranji :** Sir, I beg to propose :

'That item' No. 5 'Precious stones uncut and imported uncut' be omitted'.

Sir, my object in moving this amendment is that this article can bear some duty, and it is undoubtedly an article of luxury. Therefore, I want it to be taxed at 20 per cent. *ad valorem*.

**Mr. C. A. Innes :** Sir, item No. 5 includes precious stones, unset and imported, uncut, and pearls unset. I understand that Mr. Manmohandas Ranji's motion is that these items should be transferred to Part V of the Tariff Schedule and assessed as luxuries at 20 per cent. *ad valorem*. Well, Sir, on the face of it, this is a very reasonable proposal. But the amendment of a tariff is a very difficult, expert and technical matter, and there are all sorts of unseen pitfalls in it. Now, 'pearls unset' are a very good instance of this. When we amended the Tariff Act in 1916, we actually imposed an import duty on pearls unset. Now the trade in unset pearls is purely a transit trade. They come into India, they are polished here, and then they are re-exported. When we introduced them into the tariff in 1916, we were very doubtful whether we should be able to maintain our tax without destroying the trade. When goods are imported and then re-exported, they are entitled to a draw-back on re-export. But the House will realise that pearls are not identifiable and, therefore, on re-export, they cannot get this draw-back. In introducing the Bill in 1916, Sir William Meyer pointed out this difficulty. He said that the Government of India would watch the matter very carefully, and that if they found that the tax was hindering the transit trade, they would at once withdraw it. We had no sooner introduced the tax than we found it did destroy the trade altogether. We got nothing out of it in the way of revenue, because pearls ceased to come in. Consequently, no sooner had we imposed this import duty on pearls, than we had to take it off by notification under section 23 of the Sea Customs Act. Now, that is the reason why we have retained pearls unset on the free list, and I think the House will agree that

it is a very good reason. We shall not get any revenue by transferring them to Part V and taxing them as a luxury, and we shall destroy the transit trade. That is what I have got to say, Sir, about pearls.

Now, as regards precious stones, unset, and imported uncut, that question was also considered very carefully in 1916, and we decided that we should not attempt to tax precious stones, unset and imported uncut, for two reasons. The first reason was the ease of evasion. These precious stones are very small things. They can be sent by post; they can be brought in people's pockets; and it is very doubtful whether we should get any revenue out of an import duty. But there was a second reason. We have in India a lapidary industry in Calcutta, Delhi, Jaipur, Surat, Bombay and other places. Rubies, emeralds and other precious stones come into India in an uncut and unset state in order to be cut and polished. Since we shall not get any revenue by putting an import duty on these precious stones when imported uncut and uncut, we thought that we should not run the risk of destroying this little Indian industry. The only result might be that without gaining any revenue we should drive the trade out of the country.

**Mr. Manmohandas Ramji:** After this explanation, Sir, I beg to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

(Then the President called upon Mr. B. Venkatapatiraju to move his motion.)

**Lala Girdharilal Agarwala:** I have got also a similar motion, Sir, motion No. 28 . . . .

**The Honourable the President:** Order, order. Mr. Venkatapatiraju.

**Mr. B. Venkatapatiraju:** Sir, my motion is:

'That item\* No. 5—Precious stones, etc., be transferred from Part I and inserted in item 80 in Part IV.'

Sir, I have not gone to the length suggested by Mr. Ramji that these things should be assessed at 20 per cent. *ad valorem*. My proposal is that instead of allowing them duty free, they should be assessed at 11 per cent. *ad valorem*. One of the objections raised by Mr. Innes is, that it is easy to smuggle these things into the country.

**The Honourable the President:** Order, order. The Honourable Member's amendment is substantially the same as that of Mr. Ramji. The House decided just now that precious stones shall remain on the free list. Therefore the issue cannot be raised again as between 20 per cent and 11 per cent. The same remark applies, I think, to Mr. Agarwala's motion also (No. 28).†

**Lala Girdharilal Agarwala:** Sir, my motion No. 29 is an amendment in favour of having yarn free of duty. Now, the textile industry in this country is struggling and it requires to be helped.

**Mr. C. A. Innes:** May I rise to a point of order, Sir? I should like to point out that yarn is already free of duty. Please see item No. 22, Part I of the Import Tariff.

**The Honourable the President:** Does that meet the Honourable Member's point?

\* Schedule I, page 2 of the Bill as introduced.

† No. 28. That item 5 be transferred from Part I to the end of Part V as item 140.



**Lala Girdharilal Agarwala :** I have not been able to follow my Honourable friend, Mr. Innes.

#### UNIFORMS AND ACCOUTREMENTS.

\* **Mr. B. Venkatapatiraju :** Sir, I beg to move :

‘ That \*Item No. 11—Uniforms and accoutrements appertaining thereto, imported by a public servant for his personal use—be transferred from Part I and inserted in Part III.’

Sir, my proposal is that persons who import uniforms, etc., should pay duty at 2½ per cent. I do not see why they should be allowed to import them free, without paying anything when they import for their personal use. It is for that reason that I suggest a duty of 2½ per cent. and I think this is a very reasonable proposal.

**Mr. C. A. Innes :** Sir, the only remark I have to make about this amendment is that it seems hardly worth making. We are amending the tariff as everybody knows because we have a very large deficit to meet. The effect of Mr. Venkatapatiraju’s proposal would be that we might possibly get, if we did not injure the trade in the uniforms which come in ready made, about Rs. 5,000 or Rs. 6,000. But I suggest that it is hardly worth this House’s while, when we are so pressed for time, to make this petty amendment.

The motion was negatived.

#### TEXTILE MACHINERY AND STORES.

**Lala Girdharilal Agarwala :** Sir, I move :

‘ That after item 18 the following new item be inserted :

18-A. Textile machinery and stores.’

In the Statement of Objects and Reasons of the Finance Bill, in paragraph 2 (2), this is stated : ‘ The withdrawal of the concession allowed by the existing tariff under which machinery and stores imported for use in cotton mills are admitted free of import duty.’ I submit, Sir, that the cotton industry in this country is struggling—(Laughter). I cannot understand why my Honourable friends are laughing when I say that we cannot compete with foreign goods even now, and it is necessary that our industry should be protected. We cannot extend our textile industry unless we get a large number of machines, spinning and weaving machines throughout the country, and we cannot any more go on with Mahatma Gandhi’s *charkha*. I submit for these reasons that it is necessary that these articles should remain free of duty and should not be taxed. The result would be, if it be taxed, that we would not be able to import machinery for setting up weaving mills and we would suffer.

**Mr. C. A. Innes :** Sir, the concession by which textile machinery and stores have up to date been admitted free of duty into India dates from the time when the import duty on piecegoods was first imposed and when a counter-vailing excise was placed on piecegoods manufactured in this country. It was realised at once that since in the matter of piecegoods manufactured in this country an excise duty precisely equivalent to the import duty on imported piecegoods had to be paid, the cotton mills here were placed in a disadvantageous position, in that they had to import from England machinery and mill stores they required for their mills. It was decided, therefore, that these machinery and mill stores should be free from all duty.

\* Schedule I, page 2 of the Bill as introduced.

† Schedule I, page 3.

\* Now, Sir, the position is entirely different. The textile industry in this country has the benefit of a six per cent. duty. The excise duty on piece-goods manufactured in this country is 5 per cent. Under the proposals which we have placed before the House, the import duty on imported piece-goods will be 11 per cent. In view of this difference we desire to remove the small concession whereby textile machinery and stores are admitted free. We shall get a small amount of revenue, say, about ten lakhs of rupees out of this. Moreover we shall simplify very greatly our customs procedure. The objection that we have to the continuance of this concession is that it causes us very great administrative inconvenience. The working of these exemptions involves considerable difficulties, in that certain articles can be used for entirely different types of work, and others can be used for woollen mills which are not privileged. Again the question arises of importations by people who buy for stock and who sell to cotton mills or elsewhere. The result is that in a large proportion of cases a provisional duty is charged in the first instance, and is adjusted on production of the necessary proof of destination. In some cases the duty is charged subject to a refund being granted when the machinery has been erected or the stores have been used. Both processes involve a subsequent handling of the papers which have, in the meanwhile, been dispersed for audit, for statistical or other purposes, and the extent of the clerical and administrative labour involved is very great. The disposal of every refund application tends to clog the wheels of the customs machine and to be productive of slower work. Now that we are increasing the import duty by probably at least  $3\frac{1}{2}$  per cent. without any increase in the excise, it seems to me equitable that we should remove this concession, which I venture to think that cotton mill industry no longer requires.

Mr. Agarwala referred to the 'struggling industry.' All I can say is, that I wish we had more industries struggling in this way in the country. I have here a list of the dividends paid by the Bombay cotton mills in the last year. I will just read them out in order: 36 per cent., 26, 25, 128, 22, 128, 70, 30, 45, 85, 52, 42, 30, 65 and so on. It seems to me, Sir, that this industry is in an extremely strong position. It seems to me that it no longer requires this little concession which, as I have said, causes us a great deal of administrative inconvenience, and I suggest that the House should accept our proposal which means an additional revenue of about ten lakhs of rupees.

**Mr. Manmohandas Ramji:** I have also an amendment standing in my name, item No. 35. May I know whether I shall be allowed to move it, or this proposition will dispose of it also?

**The Honourable the President:** The Honourable Member is raising quite a different question there. As far as I can see, he is raising the question of materials used in the industry.

**Mr. Manmohandas Ramji:** Not stores as a whole, but only a part of the stores.

If I may be permitted to say a word, Sir, Mr. Agarwala's motion is, that the whole of the stores imported for mills is to be excluded, whereas my proposition says, that stores used for sizing purposes only be exempted.

**The Honourable the President:** In order to give the Honourable Member an opportunity, I will put the amendment before the House in the following form:

'After item No. 18 the following new item be inserted:

'18-A. Textile machinery.'

The amendment was negatived.

**Mr. E. L. Price:** Am I to move my amendment No. 32, because that and No. 59 are two component parts of a perfect whole? I cannot very well move the one without the other.

**The Honourable the President:** If they are parts of a perfect whole and we dispose of No. 32, then No. 59 shares the same fate.

**Mr. E. L. Price:** I beg to move :

‘ That ‘ silver ’ be omitted.\*

Of course, the House understands that this is attempted with the idea of collecting an import duty which, before the war, according to the evidence given in the Babington Smith Committee produced an annual revenue of a crore of rupees, a sum of money which this House would, probably, be very glad to have in hand in order to reduce some of the charges that must otherwise undoubtedly fall on the poorer sections of the community. I must apologise to this House if I speak with what in another place is called irresponsibility. Of course, I had prepared 20 pages of print, but owing to your appeal, Sir, for expedition I prefer to put them behind me and shall be as brief as possible. I put it to this House, that India is rather afflicted with busybodies outside. The latest of them is Lord Amptill against whose proposed action we, unofficial European Members, have recently sent a strong remonstrance. I cannot but feel that the Babington Smith Committee also, however appointed, was also something in the nature of some one of these outside busybodies. It contained only one Indian Member and its whole results have been disastrous to this country. It sat at a time when, if one thing was more certain than another, as pointed out by the Exchange Banks, conditions were absolutely fluid. There was no stability, and on this fluid basis they tried to erect a structure, and that structure has toppled down to the great discomfiture of all concerned. Now I am very sorry, really I feel I ought to apologise to the House, for mentioning this Babington Smith Committee Report at all, because I do not know that I can say a word in its favour; but, however, as my opponents resolutely mention it, it seems necessary to revert to it. First take paragraph 71 of the Report. It is thrown at my head from all over the place: ‘ Oh, the Babington Smith Committee said, You *must* take off the duty on silver’. Now, Sir, when I read the exact words to the House you will see they made no such statement without a certain amount of reserve. They said :

‘ For these reasons we recommend that when the prohibition of import of silver is removed, the duty should also be removed unless in the opinion of the Government of India the fiscal position demands its retention’.

I would ask the House to note the words ‘ the fiscal position demands its retention’. Of course my contention is that the fiscal position seriously demands its retention at this time. Now, Sir, while on this question of the Babington Smith Report I must naturally take the minority report on the same subject and of course I quite agree that Mr. Merwanjee Dalal is unequivocally against any import duty, but I would refer to page 41 and quote Mr. Dalal against himself. Section 12 runs like this :

‘ I discuss in detail below these and other points referred to the Committee and now state the recommendations that I desire to make :

‘ (a) The money standard in India should remain unaltered, that is, the standard of the sovereign and gold mohurs (notice the words ‘ gold mohurs’) with rupees related thereto at the rate of 15 to 1.’

\* From Item 20, Schedule I, page 3 of the Bill as introduced.

Now this is the more important, Sir, because the gold mohurs that we coined at the Bombay mint, I think, in 1917, had stamped on the back Rs. 15, and of course they were exactly equal in weight and fineness to the sovereign. I am sorry, I have not got one of the coins here to show you, but they are unobtainable. Now it has often been stated that the minority report advocated the retention of exchange at *1s. 4d.* It did nothing of the sort, Sir. From this section you will see that it wanted to retain exchange at *1s. 4d. gold*, Rs. 15 for a gold mohur or for a sovereign, which is a gold coin of exactly the same weight and fineness as the said gold mohur. Now, Sir, what is the current value of a rupee at *1s. 4d. gold*? I worked it out roughly and the answer is *1s. 9d. sterling*. *1s. 4d. gold* is *1s. 9d. sterling*. There can be no doubt about it. That is what the minority report recommended!

Now as regards (b), (I am reading again from the minority report):

'Free and unfettered imports and exports by the public of gold bullion and gold coins.'

'(c) Free and unfettered imports and exports by the public of silver bullion and silver coins.'

Now, Sir, I want to draw the attention of the House to this fact that Mr. Merwanjee Dalal divides up gold from silver. Why should he not lump them together like the Customs schedule? Why should he label one (b) and the other (c) and take two extra lines of print for nothing? The reason is, that Mr. Dalal is undoubtedly a very good economist and he knows perfectly well that gold and silver are altogether in different categories for international purposes, and therefore he so placed them. Gold will always pay your way. The greater the stress of the times the more favourable is gold. Silver is in an entirely different category. It very often will only serve the purpose of securities, and most of us know to our cost what little service securities will afford a man in times of stress. Now, Sir, leaving that report, I come to an item of evidence given before that committee and given by an expert called Mr. Bomanji. I have heard his name mentioned in this House in connection with exchange, showing how expert he was during the sale of Reverse Councils, and on that account I suppose we cannot do better than accept his recommendations now. He says:—

'With a rise in the sterling value of the rupee, with no restrictions on the import of gold and silver and with a ratio fixed between sterling and rupee, under those conditions, I do not think that you can permanently keep exchange very high.'

and that leads me to the further question as to whether the Government of India wants exchange to rise, and whether commercial India wants exchange to rise. Well, Sir, there are the many commercial considerations that I stated on the 8th. The Honourable Mr. Sarma will admit that one of his chief fears, I suppose, about releasing exports is, that at the present low exchange, prices might rise. If exchange were at *1s. 8d.* he would have far less reluctance, and from his point of view it would probably be a good deal more comfortable if exchange were a little higher. But there is another Member of Government, Sir, who is much more interested than even Mr. Sarma, and that is the Finance Member. From the 1st of April when this Budget comes into operation, there are home charges to be met to the extent of 47 millions against which the Finance Member has put an amount of 20 million, which he expects the other way, that is in payment for military services. Now, Sir, I am taking it, I may be wrong, I hope not, that what he means to say is he is going to spend for

[ Mr. E. L. Price. ]

the War Office 24 crores and at the rate of 1s. 8d. calculated Rs. 12 to the pound recover in London 20 millions. The operations begin on the 1st of April, that is almost next week. But, Sir, in spending these 24 crores, he has told us that the War Office will only repay him at the market rate. If the War Office pays him even at 1s. 4d. the amount, he will get in London will only be 16 millions, instead of 20 millions and at once on that item alone we have another deficit of 4 millions, which is an extremely serious thing. Now, Sir, the objections to this duty on silver have been very effectively stage managed. Most of us have seen some theatrical representation when an army is introduced. Four or five men armed with helmets, shields and swords march through. As soon as they pass out of sight, they 'double' up and come in again. You watch them a little bit and think there is a large army passing through. I believe that that is what has really happened in the case of these protests against the import duty on silver. The main people who are interested are half a dozen bullion brokers who are extremely anxious that whoever has to pay, and whatever they have to pay, at all events no burden or restriction should fall on them. It was referred to in the *Statesman* as undiluted selfishness. I hope it is not quite that. There is something serious behind it too. But when the Finance Member replied on this question being first raised, he spoke about consulting the silver bullion dealers. Well, Sir, the Finance Member has put a duty on sugar . . . .

**The Honourable Mr. W. M. Hailey :** I venture to interrupt. I said that I should have to consult Bombay, not the bullion dealers.

**Mr. E. L. Price :** Well, Sir, I am sorry if I misunderstood the Finance Member, but I am not aware that he had particularly to consult Bombay over the import duty on sugar, which is a food of the people. And, even if you say to me that this sugar is not eaten by the poorer classes, I will admit that ; but, at the same time, the rise in the price of foreign sugar affects the price of the Indian article. Again, take cloth. You say you are forced to raise the duty on the clothing of the millions of India, and, if you say that Manchester goods of the finer sorts will not so much affect the masses, I shall again have to say that behind that new tariff wall that you are raising, the indigenous products will rise in price. The extra income-tax, the higher super-tax that you try to impose on the mill-owners, behind that tariff wall will be easily passed on to the consumer, and the tax you place on food and clothing will undoubtedly affect the masses.

Now, Sir, socially silver is a luxury. People do not need it to eat or to keep them warm, and I do say that it is a most important thing that admitted luxuries should be taxed. From the currency point of view also uncoined silver is a luxury because we have a nominal gold basis, and that gold basis will never be made effective unless the volumes of silver that keep coming to India are restricted and penalised.

I have been as brief as I could ; I am sorry if I have missed any important points.

**Dr. H. S. Gour :** I am sorry, Sir, I have to oppose this amendment and I shall briefly do so by categorising my objections.

My friend's first point was that the exchange would improve if there is an import duty on silver. I submit, Sir, as I pointed out in my speech when

the general debate on the Budget took place, that the amount of silver which is imported to this country is not such as materially to affect the exchange much. I therefore submit that the question of exchange must be left out in considering the import duty on silver, and, even assuming for the sake of argument that it will reflect upon the exchange, I submit that the Government must not any longer tamper with exchange. They have done so before much to their cost and the cost of the country, and the exchange problem must now be left to solve itself.

My next objection is that the savings of the people of this country are mostly made in silver, and it would be a most suicidal policy for this Assembly to attempt to tax those savings.

My third objection to the Honourable Member's proposal is that silver is a currency metal and it is one of the axioms of economics that currency metals must not be taxed; there must be a free flow of currency metals.

My next objection is that we have a considerable trade with China which is a silver currency using country. Our trade with China is already dwindling and it would seriously suffer if we were to put an import duty on silver.

On these grounds, Sir, I oppose the amendment.

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**The Honourable Mr. W. M. Hailey :** The House will readily understand, that when it places within our grasp the prospect of a crore of rupees, we should not lightly reject the offer; it is no function of ours to look a gift horse too narrowly in the mouth. But, Sir, it is my duty to advise the House to the best of my ability, not only as to how to meet its immediate difficulties with the least inconvenience to itself and to the country, but how to regulate its finances over a period of years with the greatest safety to health and stability. It is because I feel it to be my duty to ask the House to take a long view of these matters, that I must criticise the proposal put forward by Mr. Price.

Let me take his last argument first. He said that silver was a luxury. Well, whether an article is a luxury or not is often a matter of opinion, and sometimes even a matter of verbal expression. But I am aware that people are frequently disposed to a decision on even the most important and vital questions by a prejudice derived from a classification of this nature. Now, Sir, is silver really to be classified as a luxury? Certainly that was not the opinion of Indian publicists when we placed the tax originally on silver. We were then told, as Dr. Gour has told us again just now, that we were taxing the savings of the poor man. It has, it is true, long been a charge against India, a charge certainly levied against India by Europeans from the 17th century onwards, that it is a pit for the precious metals. A long succession of economists has deplored the Indian habit of hoarding the precious metals. As a matter of pure economics they were undoubtedly correct; but the circumstances of India require that we should apply some qualification to this condemnation. If metal is hoarded, it does not necessarily follow that the metal so hoarded is a luxury. I will admit that for the European silver is a luxury; for the richer Indian, except in so far as he seeks to meet the absolute necessities of ceremonial occasions, silver is a luxury; but is it a luxury for the poor man? He has no banking facilities; he is not sufficiently educated to have acquired the Savings Bank habit, and, until he improves sufficiently by education to appreciate the investment habit, or until we can provide him with the necessary banking

[ Mr. W. M. Hailey. ]

facilities, silver and gold are practically his only means of banking. To that extent at all events silver is not really a luxury, and I would deprecate any attempt to decide the immediate issue before us—a tariff issue—on the supposition that we are taxing a luxury pure and simple.

Now, Sir, that is not of course my main objection, though I have had to state this point in order that I might clear away any prepossessions derived from Mr. Price's statement of this aspect of the question. My main objection is far stronger, and is directed against what is after all also Mr. Price's main point, namely, that an import tax on silver would tend to rehabilitate exchange. I maintain, that in the present chaotic conditions of exchange there is unanimity only on one point, namely, that we should now cease to attempt to regulate it by artificial means. That has been the lesson of the Brussels Conference; that has been the lesson that has been impressed on us by the majority of persons in this country qualified to judge of the situation. We are told that we have made a failure of things; how far that is true, is a matter of opinion; but it is certainly a matter of fact that we have been very freely told that we had now better leave things alone. Yet Mr. Price's proposal would, if accepted, constitute exactly one of these artificial attempts to regulate exchange which the country at large has protested against. Again, if in many quarters blame has been imputed to us with regard to what has been described as the failure of our exchange policy, yet it is nevertheless true that we have gained some credit from the fact that we have released the precious metals from all control, both import and export. Let me quote a short passage from a paper that I am fond of quoting because it not infrequently attacks, and attacks from a very well informed standpoint, our general financial policy. It says:

'We have gradually got down to unrestricted trade in most things including our precious metals and exchange, though in our economic Sahara some people are still clamouring for administrative interference with a free exchange and for the re-imposition of restrictions on the import of silver. But this very freedom makes it all the more necessary to strike off the last shackles from the limbs of trade.'

I believe, Sir, that the great majority of commercial men in this country think that our one hope of stabilising exchange is to leave it to the operation of natural forces. This particularly applies to restrictions on the precious metals; because ultimately the precious metals must be relied on to re-establish the balance of trade; they are the only resort when ordinary imports and exports fail to arrive at a balance. We may be told that if we really believe this theory, we should not have placed restrictions on the movement of metals during the war? The consequence of such restrictions was seriously to affect exchange; but they were due entirely to war conditions, and could not have been obviated by any means in our power whatsoever.

Now, to come to details, what is the exact effect of an import duty on silver? I have heard it said, that an import duty on silver does not in itself prevent silver being used for re-establishing the balance of trade; that is it does not prevent its export when required for that purpose. Well, Sir, it does; that statement is not correct. I will quote an authority which most Members of this House would, I think, admit to be unimpeachable. That authority says:

'It would be wicked to make India a bottomless sink for silver, and this had formerly been brought about by the imposition of a duty.'

The explanation of course is, that if we place a two-anna import duty on silver, India cannot use silver freely for purposes of export until the Indian parity rises to two annas above the London parity, or about 12 rupees per hundred tolas. It is perfectly true that the Customs Act does provide for a rebate of  $\frac{1}{4}$ ths on re-exports of silver; but you cannot identify particular prices of silver; it gets broken up, and changes its form, so that, as a matter of fact, that rebate can hardly ever be claimed.

My position then is, that the imposition of an import duty on silver practically prevents its export until the Indian parity rises strongly above the London parity. Now, Sir, that is not a theoretical consideration in any way, but it is a practical one. What is happening at the present moment? I am going to read to the House lest it should be thought that I am voicing merely my own views—another extract from the same authority. I quote it to prove that the free import of silver is not an unmixed evil, that in return for imports we get both exports of silver, and even of a more important factor in exchange, I mean gold.

‘The trade returns of last year show that since the abolition of a silver duty by the Secretary of State India is importing as well as exporting silver bullion and coins. At the present moment, India is exporting gold at the level of Rs. 30 per tola and importing silver at the level of 5 per 100 tolas. It is advantageous for India to sell gold, the price of which, as measured in rupees, is high. Later on, India will be able to buy back its gold at least 25 per cent. cheaper. It is much better for India to buy cheap silver necessary for the ornaments of the people than to melt silver rupees. The silver demand of India is going to be limited. India, since the repeal of the import duty on silver last year, has exported silver to China at the level of 105 and is now advantageously re-purchasing it at the level of 85. India had bought its gold much under Rs. 23 per tola and is now selling it at a huge premium. India is exporting more gold than it imports silver.’

It is in fact true that if you import silver cheaply, you can export gold when it is to your advantage to do so. What are the facts? During the last eight months India has exported 16½ crores worth of gold and has imported only 6 crores worth of silver, while exporting three.

Now, Sir, it may appear that I am arguing not only against our own immediate interests in this matter, but also against the theories advanced by the Government of India when they placed the duty on silver. But the conditions are very different now to what they were then. Then it looked as if the gold exchange standard was firmly established and nothing that we could do in raising revenue by way of a import duty on silver would affect it. But, Sir, that condition of affairs has been dynamited by the war, and a very different state of things prevails now. I doubt if anybody now would care to use the same arguments regarding the innocuousness of an import duty on silver that were advanced when the import duty was imposed by Government in 1914.

And, finally, Sir, Dr. Gour has referred to another point, also, if I may say so, a strong one,—that is to say, our relations with China. Our exports to China are ultimately paid for in silver, and the briefest consideration will show that the imposition of an import duty has practically the effect of raising the exchange against our Indian exporters. When the matter was discussed in the Imperial Legislative Council during the debates on the proposal to impose the tax, that point was pressed strongly against us, particularly, I think, by Sir Sassoon David, one of our stoutest opponents at the time. Government then had to admit, that the imposition of an import duty would have this effect, though it referred in its calculations to a limit of only 2 or 3 per cent.



[ Mr. W. M. Hailey. ]

Now, those Sir, are the points which I, imitating Mr. Price's brevity, have to put before the House. I have to put before the House that as a matter of economic theory, it is bad. I have to put before the House that though it is an exceedingly attractive proposition in view of our immediate difficulties, yet, taking the broad view, I believe that it would do more harm than good. If an import duty were imposed now and it were found subsequently that it was doing us harm, the House knows how difficult it would be then to remove it. It is for these reasons, Sir, that, taking what I believe to be the larger view, I myself advise the House not to accept the proposition put before it by Mr. Price.

**Mr. Jamnadas Dwarkadas :** Sir, in opposing Mr. Price's motion and in endorsing the opinions that have been expressed by the Honourable the Finance Member, I only want to detain the House for a couple of minutes and not more.

I want to draw the attention of the House to this fact that when the Currency Commission submitted its Report in 1919, Honourable Members are aware that the majority report and the minority report differed on many important points. But if there was one point on which there was unanimous agreement between the Indian Member of the Commission and the other Members of the Commission, it was this point, namely, that no import duty should be levied on silver. This is what the Currency Commission's majority report said :

'There is a strong feeling in India against the retention of the duty. It is an obstacle to the establishment of a world market in silver in Bombay and places the Indian consumer of silver at a disadvantage in comparison with the population of other countries.'

In the minority report it was also stated that the silver duty should be abolished. I want to ask Mr. Price if he can point out to me any country which has an import duty on silver? And we must also remember this fact, that in India, where the larger portion of the currency is based on silver, it would be detrimental to our financial interests and our commercial future to levy an import duty on silver.

I entirely agree with my friend, Dr. Gour, that silver is not looked upon as an article of luxury, however much we may regret the custom that is prevailing among the masses of the people to have silver ornaments made and to hoard silver in that form. We must look the fact in the face, that this is a custom which is prevailing, and if we try to levy a duty on silver and if the masses feel that their one method of saving money is also attacked, it will create a good deal of discontent among the masses. But more important than anything else is this fact, that in Bombay we have one of the largest bullion markets in the world, and if it remains unhampered by an import duty on silver one can remain perfectly sure that in course of time Bombay, and consequently India, will be one of the greatest commercial centres of the world. I say that the commercial future of India is dependent upon not levying silver duty, and I hope Honourable Members will reject the proposition moved by my Honourable friend, Mr. Price.

**Rao Bahadur T. Rangachariar :** Sir, I wish to present to the House the view of a layman in this matter. I consider Dr. Gour to be as much a layman in this matter as myself. There was one portion of his argument which I failed to appreciate. It is quite true that our people are in the habit of

putting their savings in silver; but how the imposition of an import duty on silver will reduce the value of the savings I fail to see. On the other hand, I am inclined to the view, that it may enhance the value of the material. But while we have a Doctor, Mr. Price on one side, we have the Honourable Finance Member as a Doctor on the other side. Where two Doctors differ, the safest course will be for the present at any rate to allow the *status quo* to remain. Let us wait and see, because it is dangerous to interfere in a matter like this; and taking that view, as I do, I am sorry to say, I am not for voting for Mr. Price's proposition.

The amendment\* was negatived.

**Mr. Jamnadas Dwarkadas:** Sir, I want to point out at the outset that there seems to be some mistake in the form in which my amendment is presented here. I gave notice of an amendment as a whole, that item No. 22 be transferred to item No. 75, but I should prefer, with your permission, that it should be transferred to No. 97 of part IV of Schedule II. So I shall deal with the amendment as a whole and not merely with the amendment as it stands here, with your permission, Sir. I may also point out that in the notice which I gave I had not included the whole of item No. 22, but I had mentioned only the first half of the portion, *viz.*, cotton twist and yarn, and I had left out sewing and darning thread; on this paper it is No. 33. Now, Sir,.....

**The Honourable the President:** The amendments standing in the name of the Honourable Member, Nos. 33 and 67, are not distributed according to his original intention; I think that is what he means?

**Mr. Jamnadas Dwarkadas:** That is so, Sir.

**The Honourable the President:** He may move No. 33, as drafted, and No. 67 later.

**Mr. Jamnadas Dwarkadas:** I shall move the amendment as a whole, Sir, *viz.*, that item No. 22 in Schedule II, part I, Cotton twist and yarn, be transferred to Schedule II, part 4, item No. 97; and cotton, sewing and darning thread, be kept as it is; that is not a part of my amendment. Sir, the Members of this House are probably aware that the import duty of 11 per cent. that applies to other articles applies to cotton manufactures, *viz.*, piece-goods; it does not apply to yarn which is imported from foreign countries. Now that is a very great disadvantage. In the first place, if we make the import duty applicable to foreign yarn, it will yield to us in these days of stringency a very very large revenue, revenue to the extent, I venture to submit, of Rs. 60 or 70 lakhs per year. The opinion of the Mill-owners Association in Bombay and of the commercial community of Bombay as represented by the Indian Merchants Chamber, is strongly in favour of including yarn among dutiable articles. It may be argued, as it is argued by many, that the imposition of an import duty on yarn may hit the hand-loom industry in India. Now, that is not so. The hand-loom industry in India consumes yarn which belongs to the finer counts; and if finer counts which are imported from England are made to pay an import duty then it will not affect the poorer classes of the people. The cloth made of the finer counts is an article of luxury and so it might affect the richer and the middle classes, but not the poorer classes of the people. However, I may say at the outset that I have taken into consideration the objections raised by many Members of this Assembly, especially from

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\* That in item 20, the words 'and silver' be omitted.

[ Mr. Jamnadas Dwarkadas. ]

the Madras side, that hand-loom weavers might be affected by having an import duty on foreign yarn, especially on yarn that comes under the class of finer counts, namely, above 40's. Well, having taken that into consideration I am quite prepared if it comes to that to accept the amendment of which notice has been given by my friend, Mr. Naraindas Girdhardas excluding or exempting from duty yarn above 40 counts, so that we may not hit the hand-loom industry in India, which would be hard hit if the import duty was raised. But in regard to the lower counts I can see no justification for Government exempting them from duty. I want to draw the attention of this House to the fact that the effect of exempting yarn from duty has been appalling inasmuch as Japan has found entrance into our market, and Honourable Members will be surprised to hear that while of the total yarn imported before the war, taking the average of the five years before the war, the percentage of Japan to the total yarn imported was only about 1 per cent. in the lower counts, it now comes after the war, in the year 1919, to 72 per cent. of the total yarn that is imported. Japan has practically driven away, so far as the lower counts are concerned, the United Kingdom from the market. Japan takes away cotton from India; she manufactures yarn out of that cotton and has been able to a very large extent to kill our yarn market in China; and Japan with yarn manufactured out of our cotton is competing unfairly with our yarn market in India. Now this is very unfair. It uses India as a dumping ground for its yarn. Probably Honourable Members are aware that Japan at present is in very great difficulty about money, and would sell these articles at any price; but I want to draw the attention of Members to this fact also that while yarn manufactured in Japan is allowed into India free of duty, what is the treatment that Japan gives to our manufactures, or for the matter of that, to the manufactures of other countries? There is a 30 per cent. duty on articles that are manufactured in India or elsewhere, manufactures of cotton.

It will not allow its own people to use articles manufactured elsewhere without making them pay a 30 per cent. duty on them. As a matter of fact, it is pointed out in one of the leading papers called the *Japanese Chronicle* that there is not a single article which comes from outside to Japan which is not made to pay a duty. Now I want the Members of this House to consider, that while in India we have restrictions on the hours of working and while there is a Factory Act which also imposes certain restrictions on the production, there are no such restrictions in Japan. Japanese factories are allowed to work for 22 hours if they want to. Japanese factories are backed up wholeheartedly by the Japanese Government, and if in spite of the fact that Japan gives us a very bad treatment, so far as our manufactures are concerned, we were to allow Japan to use India as its dumping ground so far as its yarn is concerned, we would not only be making our industries suffer, but we should be making ourselves instrumental in creating very dangerous ambitions in the minds of the Japanese people. Indians who have returned from Japan have told us that Japan looks upon India as a store-house, that so far as raw materials are concerned, Japan has simply got to advise her representatives here and they get any article that she wants free of duty. They take away all our raw materials free of duty, and taking away our cotton, Japan manufactures yarn and sends this yarn to India to kill our market here. Now, if we have this import duty on foreign yarn, as I have already made it clear, we should be able to get a very large revenue to the

extent perhaps—even if you take the reduction in the quantity of yarn that might fall into consideration and also the quantity of yarn above 40's—I think the revenue would amount to about Rs. 35 to Rs. 40 lakhs. Now that is not a small sum in this year of financial stringency. It may be that my Honourable friend, Mr. Innes, might get up and say that this is a question which may best be referred to the Fiscal Commission that is to be appointed, but I do not want to insist on this as a protective measure. That certainly will be decided by the Fiscal Commission and we shall probably have to act upon their recommendations. But for our revenue purposes, we should be justified in imposing a duty on foreign yarn which hits surely Japan more than any other country, especially when the imposition of a duty is going to contribute to the commercial welfare and to the promotion of the industries of India. The consumer will not at all be hard hit, because our mills have the capacity to produce any quantity of lower count that this country is in need of, and our mills can also meet any amount of demand from the hand-loom weavers of this country. I think, Sir, we shall be well advised in transferring this item, No. 22, dealing with cotton twist and yarn to No. 97 of Part IV of Schedule II of the dutiable articles, as by so doing it will bring us a large revenue, it will help our industry, and it will prevent Japan from using India as its dumping ground, killing its trade in China, killing its trade in India, and creating in the minds of its people ambitions of a very dangerous character. Sir, I commend this Resolution for the acceptance of this House.

**Mr. C. A. Innes:** Sir, in dealing with this motion, I am much in the same position as the Honourable Mr. Hailey when he dealt with Mr. Price's motion about silver. My friend, Mr. Jamnadas Dwarkadas, has come to us and said, 'we are very hard up, here is yarn, by putting on a 11 per cent. duty we can make Rs. 50 lakhs or Rs. 60 lakhs of revenue'. Well, Sir, that is an attractive proposition to us in these days—so attractive that when I was talking to a friend of mine from Bombay the other day, he said to me, 'what is the reason why the Government of India have not made this proposal already? Is it not a fact that there is some secret treaty with Japan?' Well, Sir, there is nothing so mysterious nor so exciting as this. This proposal was suggested and was considered, and I will read a short marginal note which I made myself on the file: 'I would not remove cotton twist yarn from the free list. An import duty would hit the hand-loom industry very hard'. There, Sir, is the whole secret. Now, it is not as if we were proposing to transfer yarn to the free list. Yarn has been on the free list now for five and twenty years, and it is part of our traditional policy to keep yarn on the free list. The reason why in 1896 it was transferred to the free list was to assist the hand-loom industry. The reason why we did not think it advisable to place a 11 per cent. duty upon this yarn was simply and solely the interest of the hand-loom industry.

Now, Sir, I will take first Mr. Jamnadas' argument based upon protection. He tried to make our flesh creep by pointing out how dangerous the competition with Japan in the matter of yarn was. Well, Sir, all I can say is that figures do not support that contention, at any rate, not to any extent. The production of yarn in India since 1912-13 has never been less than 615 million lbs. in a year, and in one year it rose to 722 million lbs. Now, in the same period the imports of yarn have never exceeded 50 million lbs. and in 1919-20 they were only 15 million lbs. There you have the figures. On the one side, you have a

[ Mr. C. A. Innes. ]

production which has never been less than 600 million pounds and on the other side, you have an import which has never been greater than 50 million lbs. Now, that does not look as if the Indian mills have very much to fear from foreign competition. But, Sir, Mr. Jamnadas Dwarkadas went on to say that whereas before the war Japan had a very small share of our trade in yarn, since the war her share in the yarn trade has risen to 72 per cent. It is perfectly true that in 1918-19 the imports of yarn from Japan, for some reason with which I am not acquainted, rose enormously. In 1917-18, the imports of yarn from the United Kingdom were 15 million lbs. and from Japan 4 million lbs. In 1918-19, the imports of yarn from the United Kingdom were 9 million lbs. while those from Japan rose to 27 million lbs., but let us take the figures,—and this is the point which I wish the House to realise—let us take the figures for the following year 1919-20. What happened then? The imports of yarn from the United Kingdom were 12 million lbs. and how much was the import from Japan? 1,900,000 lbs. (one million nine hundred thousand); therefore there is a drop from 27 million lbs. in 1918-19 to 1,900,000 lbs. in 1919-20.

It is perfectly true that in the current year, 1920-21, the imports of yarn from Japan and from the United Kingdom have both increased. They have increased for reasons with which we are all aware. In the early part of 1920-21, the exchange value of the rupee was very high; consequently large orders were placed everywhere, and we have been getting large quantities of yarn in response to these orders. But the large increase in imports of yarn in 1920-21 is due to temporary causes. I doubt very much whether it is a permanent phase, and I doubt very much whether the cotton industry in Bombay has much to fear from anybody, from Japan, the United Kingdom or anybody else. The cotton industry—and long may it remain so—is in an extraordinarily strong position. I read out to you just now the dividends that have been paid during the last year. I can read out to you a statement of the reserve funds of these mills; in most cases, there are reserve funds very much greater than their paid-up capital. The mill industry is, I think, in an impregnable position, and from the point of view of protection I do not think that we can justify an import duty. I do not think that we should be justified in introducing this new feature into our tariff policy at any rate until this Fiscal Commission has sat and has reported and until we have had time to consider a proposal which may have very grave consequences for one of our most important industries.

Now, Sir, I turn to another aspect of the question, namely, the hand-loom industry. We know, Sir, that most of the yarn, the high count yarn, which comes into this country, is used almost entirely by the hand-loom industry; it is hardly used in the mills at all. Now, Mr. Jamnadas Dwarkadas has tried to stymie this argument by suggesting that he is quite willing to confine his proposal to tax yarns to yarns of 40 counts and below. I will assume, therefore, since the House knows that high count yarns are not spun in this country and since the hand-loom industry is dependent upon imports from foreign countries for the high count yarns that it requires, that the House will accept that suggestion of Mr. Jamnadas Dwarkadas and will not accept the proposal of a tax at any rate yarns above 40's.

But I now come to the proposal to tax yarns below 40's. I have got some figures here showing the production of yarn below 40's in this country and th

import of those yarns. We will take yarns from 1's to 10's and from 11's to 20's. In 1919-20, there were 431 million pounds of yarn of these counts made in this country and 458,000 pounds were imported from abroad. Now, is there any necessity to tax the small amount of yarn that comes in? Of 21's to 30's, 183 million pounds were made in the country. 1 million pounds were imported. Of 31's to 40's, 17 million pounds were made in the country. 6 million pounds were imported. Now, Sir, I say that while our mills do not require protection even in respect of these low count yarns, these imports of low count yarns perform a very useful function for the hand-loom industry. They help to regulate the price, and if we do not import these low count yarns, the hand-loom industry will be entirely in the hands of the mills. Now, Sir, these mills have been making very high profits during the last two years. I do not grudge them those profits, and the stronger and more powerful the cotton industry becomes, the better I am pleased. But, Sir, we have had, in my Department of the Government of India, appeals on more than one occasion from the consumers in this country that we should place in operation the Cotton Cloth Act in order to keep down the price of the cloth sold by these mills to the Indian consumer. We have always resisted these appeals because we are strongly opposed to artificial restraints on trade. But it is a different proposition to come to us when we are getting these requests, and to say, 'you must give us an additional advantage by removing the safeguard which the hand-loom industry has now in these free imports of foreign yarn.' I do not think that these free imports do the mill industry any harm; they serve to protect the hand-loom industry and they act as a check on the prices charged by the mills in India. Now, I have a very considerable sympathy with the hand-loom industry, for two years I was Director of Industries in Madras where the hand-loom industry is numerically a very strong one. When the Indian Industries Commission reported, it estimated that in India there were between 2 and 3 million hand-looms at work. It estimated that the value of the output of these hand-looms was not less than Rs. 50 crores. I saw only two or three days ago in a Calcutta paper an estimate by Mr. Hoogewerf of the Serampore Weaving School in Bengal, of the value of the products of the hand-looms; he places their value at Rs. 90 crores. Now, Sir, I think the House will realise that an industry of that magnitude requires some consideration from us. Moreover, from my experience as Director of Industries in Madras, I know what a hard time this hand-loom industry has to keep its head above water. At one time I tried to assist some of them by supplying them with yarn and buying their cloth. I ascertained that a family of 2 or 3 working say, anything from 10 to 12 hours a day, could at the most make from Rs. 15 to Rs. 20 a month. The hand-loom industry has the greatest difficulty in maintaining itself against the mills, and I do not think that this House, not at any rate until the Fiscal Commission has had time to inquire into it, should accept this proposal and should tax the imports of yarn.

**Mr. Naraindas Girdhardas :** Sir, if you will permit me, I will move amendment No. 34, which stands in my name, and which Mr. Jamnadas Dwarikadas has accepted.

**The Honourable the President :** The amendment in the name of Mr. Dwarikadas proposes to transfer the words to another item altogether. The Honourable Member proposes to do quite a different thing.

**Mr. Naraindas Girdhardas :** If you will read No. 77, you will see that it amounts to the same thing.

**The Honourable the President :** The Honourable Member's amendment would make the Schedule read, ' Cotton twist and yarn of counts 40 and below '. Mr. Jamnadas' amendment would make it read ' cotton sewing or darning thread,' which is something quite different.

**Mr. Jamnadas Dwarkadas :** If I may be allowed to explain, Sir, I accept the amendment that has to be moved by Mr. Girdhardas ; my motion is practically the same as his. I did not exclude in my amendment at first counts above 40, but in my speech I said that I would be prepared to accept his amendment and would exempt from duty all counts above 40. It comes to the same thing.

**The Honourable Mr. W. M. Hailey :** Might I suggest, Sir, that it would be simplest if the House voted on No. 33 and then considered separately Mr. Girdhardas's amendment?

**The Honourable the President :** I have just told Mr. Girdhardas that we should deal with Mr. Jamnadas Dwarkadas's amendment first.

**Mr. Naraindas Girdhardas :** It amounts to the same thing.

**The Honourable the President :** It does not amount to the same thing unless Mr. Girdhardas wishes to move his amendment as an amendment to Mr. Dwarkadas's motion. That is a different thing.

**Mr. N. M. Samarth :** Sir, I submit that the result of the two amendments is just the same. I wish to point out, Sir, that if from the articles which are free of duty you drop ' cotton twist and yarn,' then, according to Mr. Jamnadas's Resolution, it will come necessarily under No. 97 of Schedule II, Part IV. But the same result will be obtained if the other amendment is accepted, namely, cotton twist and yarn excluding counts 40 and below. If you refer to 97 of Schedule II, part IV, you will see that it refers to all other sorts of yarns not otherwise specified. So the ultimate result is the same.

**The Honourable the President :** Then Mr. Jamnadas Dwarkadas should withdraw his amendment.

**Mr. Jamnadas Dwarkadas :** I am quite prepared to do that, Sir.

The amendment\* was, by leave of the Assembly, withdrawn.

**Mr. Naraindas Girdhardas :** Sir, the amendment which stands in my name runs as follows :

' That in item 22 in part I after the word ' Yarn,' the following words be added ' excluding counts 40 and below '.

The object of my amendment is to impose an import duty on yarn of counts 40 and below, whereas Mr. Dwarkadas's amendment proposed to impose a duty on yarns of all descriptions.

My reasons for moving my amendment are these. At present we are not manufacturing yarn of higher counts to a very large extent in this country to satisfy our own demands. We manufactured 45 lakhs lbs. of yarns of finer counts during the year 1918-19 and we imported 1 crore 7 lakhs lbs. of

yarn of higher counts during the same year. Another important point in favour of my amendment is that many persons in this country are engaged in the hand-loom weaving industry, more especially in the south, and they use higher counts as a rule and if we impose a tax on yarn higher than counts 40 it will seriously affect that industry. The imposition of a tax of that description may be deferred to some time later, when conditions become more favourable; but it would, in my opinion, seriously handicap the hand-loom weaving industry in this country if the tax is imposed at the present time.

I do not agree with the Honourable Mr. Innes when he says that taxation on imported yarn would affect the hand-looms in this country. The hand-looms are not in a position to compete with machine made cloths, so far as the coarser cloth is concerned. They are able to manufacture cloth from the higher counts and the mills do not manufacture such fine clothes to a very large extent. Therefore, we see there is very little competition between Indian mills and the hand-loom industry so far as the production of finer clothes are concerned. If we tax the lower counts, it will be helping our own industry; it will give stimulus to the mills which will produce more yarn in the country to satisfy our own demands. Further imposition of a tax only on yarns of counts 40 and below will not entail a greater loss of revenue than what the Government would realise by taking yarns of all descriptions, because seven-tenths of our total imports in 1918-19 were of counts 40 and below.

With these few words I commend this amendment to the House for acceptance.

**Mr. J. Chaudhuri :** Sir, in the interest of the weavers in Bengal, I rise to strongly oppose this amendment. There are large hand-loom industries in the 24-Parganas, Dacca, Shantipur, Pabna, Faridpur, Comilla and other places. Those who weave cloth of a higher count, use finer counts above 40, but for the use of poorer people they use lower counts for making coarser dhuties, saris, lungis, also cloth for covering themselves, bed-sheets or cloth for bedding. They use also lower counts for other industrial purposes such as the manufacture of fishing nets. The lower counts of yarn is also used for making socks and undervests all over Bengal where knitting is a very popular and rapidly-growing industry.

Now, we have a serious grievance against the mill-owners all over India. They regulate their prices not according to the cost of production but by reference to the price of imported goods. We have also noticed that during the war, cloth could be manufactured by hand at, say, Rs. 4. The mills, although they could manufacture it at a lower cost, were charging a higher rate simply because the supply of imported cloth had fallen off and the prices had risen. They knew that the hand-looms could not supply the demand of the market and they put up the prices to the hand-loom rate for coarser cloth and even higher. The benefit of not imposing any duty on yarn of lower counts is that it will tend to regulate the price of yarn manufactured by the mill-owners in India by foreign competition. The import of coarser counts is only a fraction of what is manufactured and consumed in the country. As for finer counts the local mills cannot manufacture them to any extent and any duty on them will kill the hand-loom industry. Complaints have been made by hand-loom weavers and the people—who are the general consumers—that mill-owners are making on an average cent per cent. profit and are accumulating reserve amounting to the original subscribed capital. If they continue to do so, the Government



[ Mr. J. Chaudhuri.]

should interfere and introduce profiteering legislation. The super tax practically gives them a license for profiteering. The first duty of Government is to protect the poor and not to encourage profiteering for raising taxation by means which recoil on the poor. That is the sentiment in the country amongst those who think and feel for the poor. As for yarns the result of leaving them free will be to keep in check any abnormal raising of prices of yarn manufactured by mills in this country. In the interests of hand-loom weavers all over India who manufacture both fine and coarse cloth and the manufacturers of nets and other articles made from coarser yarn, I must strongly oppose this motion.

**Srijut Debi Charan Barua :** Sir, I fully endorse all that has been said by my Honourable friend, Mr. Chaudhuri. The part of India from where I come, namely, the Assam Valley, is full of hand-looms, and there is not a single household in which there is not a hand-loom. Whether he is a prince or a poor peasant, there is sure to be found a hand-loom in the house, and they always depend upon imported yarns; and when there is a dearth of imported yarns, there is sure to be a hue and cry and the prices invariably go up, and the Indian mills do not help us in the least. So, it will be quite against their interests to impose an import duty on imported yarns. The weaving industry is in full swing throughout, although the spinning industry is dead, and until and unless the spinning industry can be revived, there should not be any imposition of import duty on imported yarns, whether they come from the United Kingdom or from any other part of the world. At the same time, we see that the Indian mills are profiteering. We have heard Mr. Innes read out that some mills made a profit of more than cent. per cent. and then, in the face of that, they sell their products to the consumers at no cheaper rates, so that it is very objectionable that any further help should be given to these profiteers in the shape of protective laws in the matter of import duties. Considering these circumstances, I beg to oppose the motion.

**Dr. H. S. Gour :** I move, Sir, that the question be now put.

**The Honourable the President :** Do you accept it ?

**Mr. C. A. Innes :** I opposed the amendment moved by the gentleman opposite, and I said all I had to say in reply to Mr. Jannadas Dwarkadas.

**The Honourable the President :** The question is, that the question be now put.

The motion was adopted.

**The Honourable the President :** The question is :

'That in item 22, after the word 'Yarn', the following words be added 'excluding counts 40 and below'.'

The amendment was negatived.

**Mr. Manmohandas Ramji :** Sir, my amendment runs thus :—

'That after item No. 23, the following new item be inserted : '23A—Sizing and Finishing Materials'.'

Sir, if this item is not inserted in the free list, it means this, that we have to pay duty twice over. As the House knows, the production of Indian mills

in the shape of cloth is subject to a 3½ per cent. countervailing excise duty, and, as these articles have to be used in preparing cloth for sizing purposes, mills have to pay extra duty again on these articles. On the representation of mills formerly these articles were excluded from the list of duty-paying stores. The sizing and finishing materials are taxed twice over because the cost of these materials is added to the cost of the cloth. Now, Sir, if it was not for the rise in taxation that has been proposed by the Finance Department, the increase in the import duty on imported cloth, I should have come forward and asked on the grounds of equity to do away with the countervailing excise duty. Sir, this tax has been put against the wishes of the whole country and it is a tax which is a very irritative tax and it is not just, because you have to tax certain imported goods from some other country, you tax your own product. That is the history of this countervailing excise duty; now again, when that duty is allowed to remain here, are we to go and say 'because we are increasing the duty on the imported articles you should pay for an article twice over.' Is that fair? I do not put it on the ground of protection or anything else, but I put it to the House on the ground of equity. I would have been justified even to come before the House if the circumstances of the finances of the country would have permitted—to come here and say 'take away this obnoxious tax which is called the countervailing excise duty,' and I am confident that the House would have supported me throughout in that proposition. Now, what I want to do is to remove this small anomaly, that is, taxing the article twice over and therefore I suggest that these articles should be entered into the free list.

**Mr. C. A. Innes:** Sir, I must point out to the House that the House cannot possibly accept the amendment in the form in which it has been put. Mr. Manmohandas Ramji merely suggests that sizing and finishing materials should be placed in the free list. We cannot possibly put in our tariff a vague entry of this kind. I believe I am right in saying that such articles as China clay, Glauber salts, and so on, are used for sizing and finishing. Now, Sir, these articles are not used merely for sizing cloth. They are used for other things as well, and therefore the effect of this amendment as proposed by Mr. Manmohandas Ramji would be that China clay, Epsom salts and so on, for whatever purposes introduced into this country, must be free. Now, is that right? But, Sir, even if we assume that Mr. Manmohandas Ramji is allowed to amend his motion and to suggest the reintroduction in the tariff of the former provision, namely, 'The following articles when imported by the owner of a cotton weaving mill and proved to the satisfaction of the Collector of Customs to be intended for use in the weaving of cotton shall be free'; even if Mr. Manmohandas Ramji is allowed to amend his motion in that way, I should still be compelled to oppose it. Mr. Ramji has introduced an old grievance—the cotton excise. I do not wish to go into the history of that question. All I say is, that at the present time it is not practical politics for us to think of taking off that excise, nor do I think that there is any necessity for us to do so. I have just read out to you what big profits have been made in recent years by these cotton mills in Bombay. Only the other day, when I was in Bombay, a prominent cotton mill-owner came to me and he said: 'Really, Mr. Innes, Government ought to take all the profits we make over a hundred per cent.' Well, Sir, in these circumstances, I don't know that we need worry about the injustice of the cotton excise at the present moment. The mills, as I explained when dealing with textile machinery, have now got their 6 per cent. protection

[Mr. C. A. Innes.]

against imported goods. As I tried to explain then, it causes us the very greatest inconvenience to continue these little concessions—concessions for such materials as aniline blue, bisulphate of soda, China clay, and a hundred and one similar things for sizing and other mill purposes. I do not think that if the mills pay duty upon these stores, it will cost them very much, and I think that in view of the inconvenience which it would cause us, the House would be wise not to accept this amendment. In any case, I must repeat what I said before that the House cannot possibly accept the motion in the form in which it has been put. If we accepted the motion as it stands, it would mean that certain articles would be free from duty, whether they are used by a cotton mill or whether they are used for any other purpose.

**Rao Bahadur T. Rangachariar :** Sir, I quite admit that the form of the Resolution is somewhat too wide. But I wish to bring to the notice of Mr. Innes the following fact, which I think he himself knows. I know Mr. Innes is very enthusiastic about encouraging the hand-loom industry in Madras. Recently, Sir, we tried to help the hand-loom industry. And one of the proposals to help them was to give them facilities for sizing by means of machinery, which otherwise takes them a good deal of labour. Sizing machinery, I understand, is very largely used in Ireland. Proposals were sent to the Madras Government to set up such facilities. At that time the machinery was estimated to cost only about £100. Recently we made inquiries, but the price of the self-same machinery has gone up nearly five or six times. If some way can be found for helping the hand-loom industry to get machinery for sizing and warping . . .

**Mr. C. A. Innes :** May I rise to a point of order, Sir? The proposal to include textile machinery in the free list has already been rejected by the House, and I understand Mr. Rangachariar now to be talking of sizing machinery for hand-loomers. I submit, Sir, that his remarks are out of order, as the House has already rejected the proposal to exempt textile machinery.

**The Honourable the President :** The House rejected under item No. 31 the proposal to include textile machinery in the free list. I understood that the Honourable Member (Mr. Rangachariar) was really addressing his remarks to the items in Mr. Ramji's amendment.

**Rao Pahadur T. Rangachariar :** When Mr. Ramji wanted to refer to this item, the Chair then ruled that it may be separately dealt with later on. Otherwise, this would have been part of that item No. 31. Mr. Ramji raised the question and the Chair ruled that this item may be dealt with later.

**The Honourable the President :** Mr. Ramji, as I understood, raised the question of the difference between machinery and materials. It was in order to allow a discussion on Mr. Ramji's amendment regarding materials, as I understood the matter, that I omitted from Mr. Agarwala's amendment the word 'stores', so as to bring the question of materials under separate discussion.

**Mr. Mannohandas Ramji :** Sir, I would accept the amendment which has been suggested by Mr. Innes. The procedure now adopted is that a refund is given and Mr. Innes' suggestion was . . .

**The Honourable the President :** Mr. Innes has made no suggestion.

**Mr. Manmohandas Ramji :** He made a suggestion, Sir. He said that the present practice is that sizing and finishing materials are allowed refund of duty if they are certified by the mills that they are imported for their own use, and if I can amend my amendment in that way with your permission, or with the permission of the House, I should like to do so.

**The Honourable the President :** I am perfectly prepared to allow the Honourable Member to amend his amendment. But I understand that he is proposing to make a bargain with the Government, and that the Government are not willing to do so.

**The Honourable Mr. W. M. Hailey :** I might be allowed, Sir, to pass across the House to Mr. Manmohandas Ramji the exact words of the present tariff in order that Mr. Ramji may see the difficulties involved in the suggestion he has put forward.

(The present tariff was passed across to Mr. Ramji.)

**Rao Bahadur T. Rangachariar :** Will the Government accept it, Sir if in place of Mr. Ramji's motion, I substitute the words '23 A—Sizing machinery for hand-loom weavers.'

**Mr. C. A. Innes :** I should personally oppose it very strongly.

**Mr. Manmohandas Ramji :** The amendment that I would like to be substituted for my present proposition is this, Sir :

'The following articles, when imported by the owner of a cotton weaving mill and proved to the satisfaction of the Collector of Customs to be intended for use in the weaving of cotton or the baling of woven cotton goods :

Aniline blue, bisulphate of soda, China clay, chloride of magnesium, chloride of zinc, dressalir, Epsom salts, farina, farinina, flannel tapping, Glauber salts, glutina, glycerine substitutes, head varnish, hoop iron, hoop steel, rivets for bales, sewing needles, sizing paste, sizing wax, soda ash, starch, velvet pulp.'

**Mr. J. Chaudhuri :** I rise to a point of order, Sir. I oppose this amendment.

**The Honourable the President :** Order, order. I have no amendment before me. It will take some time to write it out. I may point out to the Honourable Member that he has already had an assurance from Government. If the Honourable Member gets the Assembly to vote with him, it will be the business of the Legislative Department to put the amendment in such order as it can be administered. I suggest that we should come to a decision on that now.

**The Honourable Mr. W. M. Hailey :** Sir, I think the list which Mr. Manmohandas Ramji has read out carries its own condemnation, and I put it to the House, that in a very technical matter of this kind, involving the consideration of a long list of materials, many of which are known only to those concerned in the trade, and Customs Collectors, it is practically impossible that we should on the spur of the moment accept an amendment involving what for all we may know may be of far reaching and unexplored consequences. There is, Sir, another remedy open, namely, that the Honourable Member should get some friend of his to move the matter when it is being discussed in another place, where he might find it possible to frame an amendment and to have it considered at greater leisure. But I would put it strongly to the

[ Mr. W. M. Hailey.]

House, Sir, that it should not commit itself now and without notice in a matter of such exceedingly technical nature.

**Mr. Jamnadas Dwarkadas :** Are we not entitled to speak on the motion, Sir? No other Member has yet spoken on the motion except the Mover.

The President permitted the Member to speak.

I am grateful to you, Sir, that you have given me an opportunity of rising and supporting the motion of my Honourable friend, Mr. Manmohandas Ramji. My Honourable friend, Mr. Innes, in opposing the motion, has again trotted out the argument, which probably appeals most to this House, that the mills have made enormous profits and any tax levied on the mills of course won't be too heavy. Now, I strongly protest against Government trotting out that objection and appealing to the sentiments of the Members of this House. I submit, Sir, that if the mills have made profits, it is after a long period of sacrifice and loss. It was during the war that the mills made enormous profits, and I want to ask Government whether in many other parts of the world mills have not made profits during the war. Apart from that, I do submit, Sir, that if it is a question of our mills making a profit and the mills in other countries making a profit, surely, those who are patriotic will give preference to our mills.

Mr. Chaudhuri trotted out the argument of fixing up the maximum profit. I should certainly prefer that the Government should do that. If the question came here in this Assembly that a maximum profit should be fixed for mills, I should certainly support it, but I strongly object to the indirect method of pointing out to the enormous profits of the mills and making that as an argument for levying an unjust tax, I may say, on the mills. Speaking the other day my Honourable friend, Mr. Pickford, very rightly pointed out that in no other country in the world was this excise duty levied, and in addition to this duty you have another tax which is unfair on the face of it, on the sizing and finishing materials. I say, it is most unfair, and it is unprecedented in the commercial history of the world. I hope the Members of this Assembly will not be carried off their feet by the argument of enormous profits that the mills are making, which has been trotted out in season and out of season by the Government but will come to the rescue of the mills which are really heavily taxed.

**Dr. H. S. Gour :** I move that the question be now put.

The motion :

‘ That the question be now put ’

was adopted.

The motion :

‘ That after item 23, the following new item be inserted :

‘ 23-A.—Sizing and finishing materials.’

was negatived.

**Mr. B. Venkatapatiraju :** Sir, my amendment is :

‘ That item No. 26—Animals, living, all sorts, be omitted’,

and I have suggested in amendment No. 63 . . . .

**Sir Frank Carter:** I have not heard a word of what the Honourable gentleman says.

#### RACE HORSES.

**Mr. B. Venkatapatiraju:** My amendment is :

‘That item No. 26 in Schedule II, part I,  
that is, by which animals, living, all sorts, should be imported free of duty,  
should be amended by two other amendments which I move :

‘That on other animals should be imposed an import duty of 2½ per cent. and on horses to the extent of 20 per cent.,—namely, Nos. 63 and 110 of my amendments.’

Now, Sir, according to the figures relating to these in the annual statement for the year 1917-18, we find about 11,163 animals imported, and of them about 9,777 are horses; the horses alone priced at 52 lakhs and the other animals at about 3 to 4 lakhs of rupees. Why should we allow these things to come into the country free? Therefore I suggest, that we can raise some amount of revenue from them, and if we put them as luxuries, we may realise about ten lakhs from horses alone, and about Rs. 40,000 or 50,000 from other animals. Similar amendments are also moved by other friends. Therefore, I only say that this is not an item which should be allowed free because I may mention that none of them are brought in for breeding purposes, but most of these horses that are imported are brought here after they are castrated, and they serve no other purpose except as a luxury for the rich. The rich can well afford to pay them and there are Maharajas who are paying thousands for race horses, and why should they not pay an extra amount to our exchequer? Therefore, I think it is our duty to impose a certain duty on these things.

**Mr. Manmohandas Ramji:** There is also an amendment of mine standing just below that which is of the same nature.

I also support the amendment moved by Mr. Venkatapatiraju, and I may say that a number of horses that are imported into this country are for racing purposes; it is a pure and simple article of luxury and therefore it must be taxed. On this ground I propose that this amendment should be accepted.

**Lala Gir'harilal Agarwala:** My amendment stands like this. . . .

**The Honourable the President:** Order. order. The Honourable Member can move his amendment afterwards. He cannot move his amendment as an amendment to the motion for omitting the item.

**Mr. C. A. Innes:** Sir, I understand that Mr. Venkatapatiraju's motion is that ‘other animals’ should be taxed at 2½ per cent. and that horses should be taxed at 20 per cent. *ad valorem*. Well, Sir, I do not think that we need worry about ‘other animals’ *De minimis non curat lex*.

In 1913-14, the value of ‘other animals’ that came into the country was less than five lakhs. In 1919-20, the total value of all ‘other animals’ that came into the country was only Rs. 75,000. In 1920-21, in ten months, the total value of these ‘other animals’ was only a lakh of rupees. Now we shall get no revenue out of this 2½ per cent. and I think Mr. Venkatapatiraju may let the matter drop as regards ‘other animals,’ as it is not worth the trouble of collecting.

Mr. Venkatapatiraju suggests that horses coming into the country should be taxed at an *ad valorem* tax of 20 per cent. There are serious practical

[ Mr. C. A. Innes. ]

difficulties in the way of attempting to tax horses *ad valorem*. I quite agree that if we could tax race horses *ad valorem* we should get some money ; but it is not practical politics to tax animals *ad valorem*. When we place an *ad valorem* tax, either we tax according to the invoice value, or else we tax according to the local wholesale market value. There is no such thing as the local wholesale market value of horses, and therefore we should be compelled to tax according to the invoice value. We have no guarantee that the value of the horses will be correctly shown in the invoice. Therefore, what will be the result ? If we did not accept the valuation of the horses in the invoice, our remedy would be to take over those horses at our own valuation. I do hope that the House will not ask the Collectors of Customs in the different ports to start stables for keeping the horses taken over under that procedure. As a matter of practical politics, it is quite impossible to tax horses *ad valorem*. If we are to put a tax on horses at all, it would have to be some specific duty and that has not been proposed. Most of these horses which Mr. Venkatapatiraju refers to as having come in 1917-18 were horses imported into India for military purposes for the war, at least I think that they were. The military authorities do not, as a rule, import horses direct from Australia on their own account. Horses are imported by the importing firms and selections are made by the military authorities after import into this country. If we impose any sort of tax upon horses, the military authorities would naturally, in self-defence, be compelled to make their own arrangements to import horses from Australia. No customs duty is leviable on Government

would be that we should not get very much of this tax. The military horses, as I have said, will be free of all tax. As I have pointed out, it is quite impossible for us, and I hope the House would not ask us to tax horses *ad valorem*. But if the House is strongly of opinion that a specific tax should be placed on horses, then it is for the House to suggest some suitable sum, I should say probably not more than Rs. 50 per horse. But I should like to point out that we do not expect that we should get much revenue out of this proposal. Still we are entirely in the hands of the House.

**Mr. B. Venkatapatiraju :** I accept this amendment of Rs. 50 per horse.

**The Honourable the President :** Mr. Innes simply threw out a suggestion which will require consideration. It would need to be put in shape before it could be moved as an amendment.

The question is, that item\* No. 26 Animals, living, all sorts, be omitted.

The motion was negatived.

**Lala Girdharilal Agarwala :** On the principle that luxuries and pleasures should be taxed and that necessities should not be taxed as far as possible, I move my amendment which runs as follows :

‘ That in item\* 26, after the words ‘ all sorts ’, the words ‘ except race and polo animals ’ be inserted.’

My submission is that this is a new source for us to meet our necessities and that we can get a lot of revenue. The Honourable the Government Member had just now stated that there was great inconvenience in calculating the *ad valorem* duty. I submit with the greatest respect for his remarks that

there are several articles in India upon which duty is levied *ad valorem* and there are thousands of articles which are daily taxed according to the invoice. There will be no difficulty whatever, and I submit that the remark of my esteemed friend is without foundation. Now I have carefully worded my amendment and I have excluded, I am thankful to one of my esteemed friends who suggested it to me, stallions. I do not want to tax stallions which are required to improve the breed of the country. But those horses which come merely for the purpose of pleasure, namely, race and polo horses, should certainly be taxed and the pockets of the rich men should certainly be touched in these hard times, when we have to meet a demand of 62·2 crores of rupees for military necessities, over which we have got no voice. Now I quite realise that it is necessary in the interests of the country that the breed of our animals should be improved and for that reason I do not go so far as my esteemed friend, Mr. Raju, goes or Mr. Ramji goes, namely, to tax all animals. I think that stallions must come to improve the breed of our local animals. With these few words, I recommend my amendment to the acceptance of this Honourable House and I submit that it would bring in a large revenue. I do not want to tax military horses which are required for military purposes; although even if they are taxed there is no harm, because the money which comes from one pocket will go to another. That will make no difference. In order to meet the military necessities we have to pay 62·2 crores. There is no harm if a little more tax is levied and then it is paid back, if it is convenient for the purpose of calculation. I submit that there are very strong reasons for taxing these luxuries and pleasures, and if we pass over these items lightly, we do not know with what face we can go to the poor people and tell them to cut short their small necessities.

**Sir Godfrey Fell:** Sir, I rise to oppose this amendment. I do so from more than one point of view. In the first place, I should like to ask the Honourable Member, from a practical point of view, how he proposes to define the creature that he calls a 'polo animal'. Does he imagine that polo ponies are a breed apart, that it is as easy to distinguish a polo pony from any other specimen of the equine species as it is to distinguish a Rolls Royce car from a motor-scooter? I would like to point out to the Honourable Member that a polo pony is not born but made, and I do not know how he proposes to discover whether a pony imported into this country is a polo pony or not. I suppose we shall next be asked to increase the customs staff in Bombay by the addition of a number of expert polo-players who will take out every imported pony to the polo ground, try him with stick and ball, and play him in a fast chukker, and then say whether he is a polo pony or not! That is the practical difficulty, to my mind, in attempting to differentiate between different animals for the purposes of this proposed import duty on 'polo animals.'

As I listened to the Honourable Member's speech, I endeavoured to discover what was the motive underlying his proposal. It is perfectly clear, that there is not very much revenue to be derived from imposing an import duty on 'race and polo animals'; and I reluctantly came to the conclusion that his principal motive therefore was of a kill-joy or spoil-sport nature. And I was confirmed in that impression by his remark, in the course of his speech, that not only luxuries should be taxed but that pleasures should also be taxed. I put it to the House—Is it the wish of this Assembly that all pleasures should be taxed? (Cries of 'No.') The idea is entirely new



[ Sir Godfrey Fell. ]

to me. There is something puritanical about my Honourable friend, if he will allow me to say so. So far from attempting to interfere with either racing or polo in this country, or to place any obstacles in their way, I maintain, that this Assembly should encourage both. Racing is an invaluable sport in many ways. It improves the breed of horses. It has been well said, that all men are equal on the turf and under the turf. The race course is one of the best common meeting grounds for Indians and Europeans in this country, and is one of the most powerful factors in improving social relations between the two communities. As for polo, it is in my opinion the finest game in the world. It is invaluable as a training for our soldiers; and I should like to remind the Honourable Member that during the war the existence of a large number of polo ponies in this country was of the greatest value to the military authorities, since these ponies were taken up for military purposes.

Then, again, I observed with considerable regret that my Honourable friend introduced the question of the Military Budget. Now I gather that his reasoning is somewhat as follows: 'We are not allowed to vote on the Military Budget. As we all know, it is 62·20 crores. Soldiers are the people who play polo mostly in India. Therefore, let us tax the soldiers, because it must be their fault that the Military Budget is so high'. That is really the reasoning underlying his remarks; and I put it to the House, that it is unfair to attempt to penalise, in this indirect way, a body of not over-paid officers, one of whose principal amusements in this country is polo.

**Mr. C. A. Innes:** Sir, might I explain to Mr. Agarwala that another objection to his proposal is that it is quite unworkable. The Customs officers could not work a rule of that kind. Horses come in, as Sir Godfrey Fell explained to us, absolutely unmade and it is beyond human possibility for anyone to distinguish among those horses which are polo-ponies and which are not. None of them are polo-ponies when they come in, so that Mr. Agarwala will see that that part of his amendment is absolutely unworkable. As regards race horses, it will be extremely difficult in the first place to assess them *ad valorem*. In the second place, they are so very few in number, that I think it is unnecessary taking up the time of the House in discussing them at all.

**Mr. R. A. Spence:** I move that the question be now put.

**The Honourable the President:** The question is:

'That in item\* 26 after the words 'all sorts,' the words 'except race and polo animals' be inserted.'

The amendment was negatived.

#### FLOUR.

**Mr. K. G. Bagde:** Sir, the amendment that I beg to move before this House reads thus:

'That after the 28th item† the following item be inserted, namely:

29 :	Flour	.. :	<i>ad valorem</i>	.. :	5	Schedule I, page 4.
						per cent.'

Under the newly proposed Schedule II of the Import Tariff Act we find item No. 65 in part IV; that means, according to the proposed change, flour

\* Page 3 of Bill as introduced.

† " 4 " " "

is intended to be taxed at 11 per cent. *ad valorem*. If we refer to the old Import Tariff Act, I mean Act VIII of 1894, we find the item of flour figuring in the 6th Article of Schedule IV to that Act. Under the old Act, flour was liable to import duty at the rate of 5 per cent. Thus, the proposed legislation intends to increase the tax by 6 per cent. *ad valorem*.

No one would dispute that flour is an article of general consumption. It is used both by the rich and the poor in this country. One of our friends here this morning told us that the imposition of an import duty has the effect of increasing the price of the article on which it is imposed. Hence, I think that if this duty is increased, the result would be that the price of flour would increase. That means that all persons who consume this article will have to pay higher prices than before. Now it may be contended that the quantity of flour imported is very small, and I was so told by our Honourable friend, Mr. Price, here one day.

**Mr. E. L. Price:** When?

**Mr. K. G. Bagde:** Some days ago we had a discussion here in this very place. Now, this helps my case. If the quantity of flour imported into this country is very small, then I think the income derived from this increase will also be very small, and, therefore, there is no necessity for making any change. On the other hand, if this change be made, the result would be that the price of flour in this country would rise, and we know, as a matter of experience, and that too of a very bitter sort, that our dealers take advantage of any import duty that is imposed in order to raise their own prices.

Now, some of my friends would come in and say that the wages have increased and, therefore, it is quite proper that the prices of foodstuffs also should increase. Against that increase-in-wages theory I would say this, that it is only the labourers in the commercial centres of this country who are greatly benefited or who receive the benefit of an increase in wages. If we go to the non-commercial parts of this country we find that the people there do not derive much benefit from this increase in wages, and the number of such persons is very great. And, if anybody is affected by this increase in the price of flour, it would be such persons who reside in non-commercial areas.

∴ I therefore propose that the old duty, *i.e.*, at 5 per cent. *ad valorem*, should remain and that the proposed change should not be made.

**The Honourable the President:** The question is :

\* That after the 28th item the following item be inserted, namely :

29. Flour *ad valorem* : - 5 per cent.\*

**Mr. C. A. Innes:** Sir, the effect of the amendment as it stands is that Flour would be included along with Ale, Beer, Port~~er~~, Cider, etc., which is the existing item No. 29. Apart, however, from that purely technical objection, I do not think that the House ought to accept this proposal. I must admit that we did not consider Flour especially. Flour was included under the 7½ per cent. tariff and now that it is proposed to raise that rate from 7½ to 11, Flour automatically will be taxed at 11 per cent. unless the House accepts Mr. Bagde's proposal.

Now, Mr. Bagde has said that it is not right to tax a foodstuff like flour so high as 11 per cent. and that, if we put this high import duty on flour, we shall raise the cost of Flour in this country. Well, Mr. Bagde has omitted to

[ Mr. C. A. Innes. ]

notice how extraordinarily small the imports of flour into this country are. In 1917-18, the imports amounted to 100 tons ; in 1918-19, they amounted to 400 tons ; in 1919-20, they amounted to 250 tons. Now, it is hardly worth our while, when we have got a lot of business to get through, to waste time over the exact tax to be put on infinitesimal imports of this kind. A certain amount of flour comes in from Ceylon—a very small amount indeed. It does not affect at all the price of flour in India which is entirely governed by the prices charged by the flour mills in this country. The amount that comes in from Ceylon is a mere drop in the ocean, and I do not think it makes any difference what tax is put on it. It would certainly not be worth while to take it out of the general tariff and put it in a special class of its own 5 per cent. I think that the House would be well advised not to accept this motion.

The amendment was negatived.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock. The Honourable the President was in the Chair.

#### POSTAL RATES.

**Dr. H. S. Gour :** Before, Sir, you commence with the work of the day, may I be permitted to make a very short statement dealing with an amendment which was carried yesterday evening. My friends are anxious that that amendment should be recalled and reconsidered and I have been considering in what way it can be done. I do not want you, Sir, to commit yourself to any one particular way, but the two ways in which it might be reconsidered are first, on the ground that the whole House has gone into Committee and every matter must be considered as in the Committee stage, and secondly, by suspending the necessary rules. Now we have come to an arrangement, which I hope the Honourable Member in charge of Government will confirm, and it is to the following effect. We must reduce the ½ anna postage on a letter, but to obviate the objection that was raised to my proposal of amending the ½ anna postage on letters, it was suggested, and I believe the suggestion has met with the approval of Government, that the Government should issue a ½ anna letter postcard like what we have in England and like the commercial houses in this country issue. If the Post Office were to issue these, it would minimise the fear which the Government have that in every case they would have to weigh the letter and that very often the Post Office find that these letters are of greater weight than allowed for ½ anna and have considerable trouble in recovering the money due on account of these over-weights.

**The Honourable the President :** Order, order. I am afraid I cannot allow the Honourable Member to argue the merits of a proposal of that kind. In consultation with the Honourable the Finance Member he may be able to come to terms with him, but that will have to be done behind the scenes.

Dr. Gour suggests that we are really in Committee. The constitution of this Assembly does not include the process of going into Committee as in the House of Commons ; but I may say for the information of the Honourable Member that neither under our procedure nor under the Committee procedure of the House of Commons can I find any loophole by which we could go back

upon the decision which we have made. The clause in question, with its appropriate Schedule, has been added to the Bill by the decision of the Assembly. It would be instituting an unfortunate precedent from the Chair if I were to rule that that question could be reopened by going back upon what we have decided. But, as the Honourable Member and the Assembly are aware, the ultimate fate of the clause in question has not yet been decided. There will still be a further opportunity for the Assembly to come to a final decision on the matter. Between now and that moment I suggest to the Honourable Member and his friends that they get together round the table of the Honourable the Finance Member, if the Finance Member, in his busy moments, can spare the time, and come to an agreement on the proposal which he has just put forward.

**Mr. Eardley Norton :** Do I understand from the ruling of the Chair that this House has never been in Committee?

**The Honourable the President :** Under the rules and Standing Orders, there is no Committee stage on the floor of the Assembly. The Committee stage provided for is that of a Select Committee or of a Joint Select Committee. That is our only equivalent of what is called the Committee stage in the House of Commons. As a matter of fact in practice what we have been engaged in, this morning and yesterday, has been virtually the Indian substitute for the House of Commons' Committee procedure, not in exactly the same form, but with practically the same result.

**Mr. Eardley Norton :** Subject, may I ask, to the right of the speaker to speak once?

**The Honourable the President :** Yes.

**Mr. N. M. Joshi :** May I know, Sir, whether under the rules for the appointment of a Select Committee we cannot ask that the whole House go into Committee?

**The Honourable the President :** I should not like to give a ruling on that point off-hand. But my recollection is that there is no provision under the rules which would enable me to accept a motion of that kind.

We are working upon rules which have been deliberately left somewhat elastic in order to give the Assembly time to judge as to what is the best way of developing its own procedure. As we have gone through this session we have already discovered ways in which possibly that procedure may be reformed. The time will no doubt come when we shall have to take up the whole question, but I would suggest that we should not be too hasty to bring that time on before questions have ripened for decision.

**Rao Bahadur T. Rangachariar :** May I say, Sir, with reference to what fell from the Chair, that so long as a man who writes an ordinary letter in this\* way will not be treated as the man who writes a letter in this\* way, we on this side of the House are quite willing to agree to any suggestion that the other Chamber may make.

**The Honourable the President :** I have been given to understand that Honourable Members have spent a profitable hour of Tiffin in arranging the business for this afternoon. I gather that a number of amendments which

(Holding up letters to illustrate his point.)

[The President.]

appear on the paper will not actually be moved, but in order to keep matters in order, I shall call upon Members in the order in which their names appear in the list of amendments in front of them.

**Lala Girdharilal Agarwala:** Sir, I withdraw my amendment No. 40.\*

**Bhai Man Singh :** Sir, I withdraw my amendment No. 42.†

#### SUGAR AND MOLASSES.

**Munshi Mahadeo Prasad :** Sir, the amendment that I have proposed runs :

‘ To raise the import duty on item 35, that is, sugar and molasses, from 15 per cent. proposed by the Finance Member, to 25 per cent.’

My reason for moving this amendment is that this sugar which is imported into India by foreign countries, its import should pay us the revenue of which we are in need. The estimate of the Honourable Mr. Hailey is that we shall get Rs. 65 lakhs from this item if we raise the import duty from 10 per cent. to 15 per cent.

If we raise the duty from 10 per cent. to 25 per cent. we shall be making one crore and eight lakhs of rupees. We have to find out ways and means of reducing the freight on coal, fodder and other things, and if we raise the import duty, we shall not be able to reduce the rate of freight on railways.

Now, Sir, the second reason is that by reducing the duty we shall be encouraging the indigenous industry of refining sugar in this country. The next point is that the rural population of India will not suffer in the least because they do not use refined sugar such as others do. It will provide labour in the villages for the villagers. We might remember that before 1882 sugar was refined in one or two villages apart. By Act XI of 1882 the import duty on sugar was removed and large quantities of sugar began to be imported into India.

Up to 1894, sugar was still imported into India free and during the period of 12 years from 1882 the industry of refining sugar in India had nearly died out. It was in 1894 that a duty of 5 per cent. was levied on the import of sugar and then it was raised to 10 per cent. in 1916.

When the increase of the duty on the import of sugar was under consideration in the Legislative Council in 1916, this is what the Honourable Mian Muhammad Shafi said : — ‘ I welcome the enhanced tax proposed to be levied on sugar and tobacco as calculated to protect our indigenous sugar and tobacco industries.’

If we analyse the figures up to 1914 by looking at the statistics on record, we find that Java, Mauritius, Austria-Hungary, United Kingdom, Egypt, China, Hong Kong, Straits Settlements, Germany and other countries, including Japan, used to import sugar into this country. Now, further, in the notes of the Honourable Mr. A. C. Chatterji, I find that the following places were concerned with the sugar industry in the United Provinces : Saharanpur, Muzaffernagar, Meerut, Bulandshahar, Farukhabad, Rohilkhand Division,

\* Items 29 to 34 be omitted from part II, and the entries in column 2 of these items be inserted as item 121-A in part V.

† Item No. 35. The words ‘ but excluding confectionery ’ be omitted.

Sitapur, Hardoi, Kheri, Fyzabad, Gonda, Sultanpur, Barabanki, Gonda and, I may add, Balia, Benares and Gorakhpur Districts. The Government finding that this industry began to die out, they helped them on by granting sums to them.

Now, Mr. Hadie, the Deputy Director of Agriculture in the United Provinces, has dealt with this subject in his book and it makes interesting reading.

In Bihar, Bengal and Assam, the sugar industry used to flourish in times of yore, and I believe that in the Punjab and the Central Provinces the refining of sugar used to be an industry. However, with the advent of the foreign sugar into India, the industry in this country began to decay, and, in my opinion, it should be revived again. The figures which I have got from the Government statistics are as follows. They are to be found in the 9th issue of the report of Commercial Statistics, Volume I. In 1909-10, we imported sugar to the value of 11 crores and 52 lakhs and in 1918-19, it was 15 crores and 61 lakhs. Now, Sir, I submit by importing such large quantities of sugar into the country, these large sums of money were drained out of the country and very little revenue was received. If we raise the duty on the import of sugar we shall be making a provision for definite ways and means of meeting our present deficit. When I examine the figures in weight, I find that in 1916-17, the sugar imported was 1·2 crores of hundredweights and in 1917-18 it went up to 1·5 crores of hundredweights. The revenue that was derived from import duties was Rs. 19,85,738 in the year 1918-19. Thus from the point of view of revenue as well as from the point of view of encouraging the sugar industry of India, we must levy a duty on the import of sugar, at least and not lower than 25 per cent. to begin with.

Now, Sir, it may be said that the sugar will become dear and will not be within the reach of all in all the provinces. I beg to submit, Sir, that in the villages which have the greatest part of the population, very few persons use this refined sugar from foreign countries. They will be contented with the raw sugar that they use. Now, Sir, the rates of sugar would not rise because of this import duty. If I am correct in analysing the situation, it is the middlemen who raise the price of goods, and not the import duty. There should be a principle for the levying of import duty in the interests of the country; we should levy the duty to have the revenue to meet our own demands. I was reading only the other day a book in the other room of this building which is entitled 'Where to find your law' and there I found that in England in order to have the import duty on tobacco to increase the revenue of the State, it was forbidden that tobacco should be cultivated in England. I beg to submit, Sir, that all these factors ought to be taken into consideration when levying an import duty on imported goods. I beg to submit, Sir, that in order to encourage our own industry we should raise the duty to at least 25 per cent. as I have submitted in my amendment. Now, Sir, I find from studying the figures that by raising the duty to 25 per cent. something will be made. Even, Sir, if the import may decrease to some extent, the figures given by the Finance Member will be available. With these remarks I beg to commend this amendment for the favourable consideration of this House.

**Mr. C. A. Innes:** Sir, I think that I shall be interpreting the sense of the House if I deal with this amendment very shortly. Mr. Mahadeo Prasad bases his proposal on two grounds. In the first place, he says that

[ Mr. C. A. Innes. ]

he wants revenue. He says that because by raising the duty from 10 to 15 per cent. we hope to make 65 lakhs, therefore by raising the duty to 25 per cent. we shall make considerably more than a crore. Well, I deny that assumption altogether. We shall set up at once the law of diminishing returns and if we pitch our duty too high we shall lose revenue. I do not think there is any doubt about that. Now I must confess that I was rather doubtful whether we were justified in raising the duty on sugar, at all. The price of sugar, as everybody in this House probably knows, is extraordinarily high. It is very high, because there is at the present time a world shortage of sugar and that world shortage of sugar, when we get down to bedrock, is due to the fact that the beet crop in Europe has been seriously diminished during the war. The price of sugar was so high that we had appeals during last year to stop the export of sugar. We were unable to meet these appeals because, had we done so, we should have stopped a transit trade. The danger is that if we raise the duty to 25 per cent. we shall stop our supplies. There is a world shortage of sugar. There is not enough sugar to go round. If we make the price of sugar so high that people cannot afford to buy it in India, that sugar will go elsewhere.

The second argument raised by Mr. Prasad was that we should raise the duty to 25 per cent. in order to give the Indian industry a chance. Well, Sir, we have a 15 per cent. duty on sugar now—at least we ask the House to agree to a 15 per cent. duty—and it seems to me that a tariff rate of 15 per cent. should give the Indian industry a very fair chance of progressing.

I must also remind the House that a Sugar Commission has just sat. When that Commission's report is received and considered, such action will be taken as is possible to improve the sugar industry. But I do not think that we should anticipate the action on that report by adopting this proposal. The only effect of it will be that we shall make a necessary of life, an article which enters into common consumption, which is already extraordinarily dear, dearer still. The price of sugar is now two or three times what it was at the beginning of the war, and I do not think that this House should agree to any action which would drive up the price of sugar still further. I doubt very much whether we shall get any more revenue by adopting this proposal, and I think that the House will be well-advised if it does not agree to the proposal.

**Mr. A. D. Pickford:** Sir, I will not detain the House for more than one minute. There is not the slightest doubt that if Munshi Mahadeo Prasad's proposal is accepted, the firm in which I am interested will almost immediately make more money than it is making now, and therefore, I think you will regard me as completely disinterested when I say that I am entirely opposed to this suggestion which has been made. It is perfectly true that it will drive up the price of sugar and the extra price of sugar we shall take out of the Indian consumer. That is not the desire at all of those who think that a reasonable percentage is legitimate. The desire of those who think in that way is that the manufacture of sugar in this country shall be increased and that the manufacturers shall get their profit on sugar manufactured as the result of that increase, and not out of the pockets of the inhabitants of India who are already paying a very high price, as Mr. Innes has pointed out, for what is a necessary of life.

**Mr. Harchandrai Vishindas:** I make a suggestion, Sir, to cut short the debate. My friend, Munshi Mahadeo Prasad, has already been told that he will not receive the support of the House, and I would therefore ask him to withdraw his motion at once.

(Several Honourable Members at this stage asked the Honourable Member to withdraw the motion.)

**Munshi Mahadeo Prasad:** One minute, Sir. In view of the fact that hope has been extended to the House that action will be taken on the Sugar Commission's report, I beg to withdraw the motion.

The motion was, by leave of the Assembly, withdrawn.

#### MATCHES.

**Mr. B. Venkatapatiraju:** I move motion No. 51, Sir. This is regarding matches:

'That item No. 44 be omitted altogether, *or in the alternative*,

'In item No. 44, 'Matches, the words "containing not more than 75 matches" be omitted, *or in the alternative*, the figures "400" be substituted  
Schedule I, page 6

**Mr. C. A. Innes:** May I interpose for one amendment with your permission, Sir? It will perhaps save time if I say that Government are prepared to agree at once to the limit of matches per box being fixed at 100.

**Mr. B. Venkatapatiraju:** Then I do not press my amendment, Sir.

**Bhai Mau Singh:** We have not followed the Honourable Member.

**The Honourable the President:** The Honourable Member will hear in a moment.

The question I have to put is:

'That in item 44 the figures "75" wherever they occur, the figures "100" be substituted

The question is, that that amendment be made.

The amendment was adopted.

#### SILVER BULLION OR COIN.

**Mr. E. L. Price:** As regards amendment No. 59\* that stands in my name, I do not withdraw it but I understood that it had been substantively dealt with.

**Mr. K. G. Bagde:** Before moving my amendment Nos. 61,† and 62‡, I should like to know the increase that would accrue in the revenue from the proposed change.

\* 'That after item 44 the following new item be inserted:

44A. Silver bullion or coin two annas per tola.'

† 'No. 61. That item 45, 'Grain and pulse, all sorts, including broken grains and pulse, but excluding flour' be omitted'

‡ 'No. 62. That item 48, 'Fire-wood' be omitted.'



**Mr. E. L. Price :** No imports.

**Mr. K. G. Bagde :** Then I withdraw them.

The amendments were, by leave of the Assembly, withdrawn.

#### DUTIES.

**Mr. R. A. Spence :** All previous proposals made in this Assembly for increasing the revenue of this country have been defeated, and I wonder if my amendment No. 64, namely :

‘That for the heading ‘articles which are liable to duty at 11 per cent. *ad valorem*’ the following heading be substituted :

‘Articles which are liable to duty at 12½ per cent. *ad valorem*’.

will suffer the same fate. .

Judging from the temper of the House, I do not wish to detain the House by a long speech in support of this amendment. In asking for the support of the House and of the Government, I base my claim on similar lines to those made by defendants in libel cases, where I understand the line of defence takes the following form ; first, there was no libel, secondly, if there were a libel the defendant did not utter it, and thirdly, if the defendant did utter the libel it is justifiable. Similarly I ask for a general customs tariff of 12½ per cent., because, firstly, if the Honourable Finance Member’s anticipation of imports during the coming year be correct, the increase would give us an increase in the revenue of 1½ crores, and we know that further increases in revenue are greatly needed. Secondly, if our imports fall off from the figure estimated by the Honourable Member, the increase proposed may make up for the deficit which would otherwise occur. Thirdly and lastly, if the increase in customs check imports considerably, that is what we want. It would restore the balance of trade, and the rise in exchange would be of great value to the country, and, I venture to submit, to the Finance Member in particular.

**The Honourable Mr. W. M. Hailey :** I propose to ask you to allow us to postpone this amendment until we see the result of our labours on the rest of the motions before the House. We shall then be able to say exactly where we stand as the result of what we have done to-day. This applies to both Nos. 64 and 65, though I may explain now to the House that it would be far more convenient to us, if we had to take an increase over 11 per cent., to take 12½ per cent. instead of 12.

The motion :

‘That the amendment (No. 64) proposed be postponed’

was adopted.

The motion :

‘That the amendment\* (No. 65) proposed be postponed’

was adopted.

**Mr. M. K. Reddiyar :** My amendment is the same as that of the Honourable Mr. Spence, Sir (No. 76).†

\* ‘No. 65. That in the heading to part IV of the said Schedule for the figures and words ‘11 per cent.’ the figures and words ‘12 per cent.’ be substituted.’

† ‘From part IV omit item No. 97 altogether and insert it in a separate part headed ‘Articles which are liable to duty at 12½ per cent. *ad valorem*’ and re-number the other items and parts accordingly.’

**The Honourable the President :** Does the Honourable Member wish to postpone it ?

**Mr. M. K. Reddiyar :** Yes, Sir.

**The Honourable the President :** The amendment is :

‘That from part IV omit item No. 97 altogether and insert it in a separate part headed ‘Articles which are liable to duty at  $12\frac{1}{2}$  per cent. *ad valorem*’ and re-number the other items and parts accordingly.’

The question is :

‘That the consideration of this amendment be postponed.’

The motion was adopted.

#### FODDER, BRAN AND POLLARDS.

**Lala Girdharilal Agarwala :** Sir, I move this amendment No. 88 :

‘That item 119 be omitted and the entry in column 2 of that item be inserted as item 45-A.’

I do not want to take up the time of the House. I think it is necessary to supply fodder, bran and pollards as cheaply as possibly and I therefore move this amendment.

**Mr. C. A. Innes :** I do not understand the effect of the amendment which has been moved by Mr. Agarwala. Is it that fodder, bran and pollards which are now liable to duty at 11 per cent. should be transferred to part III liable to duty at  $2\frac{1}{2}$  per cent ? I do not think the matter is of very great importance, but if the House would like these small items to be taxed at  $2\frac{1}{2}$  per cent. the Government are quite prepared to agree.

**The Honourable the President :** The question is that this amendment be made.

The motion was adopted.

#### UMBRELLAS INCLUDING PARASOLS AND SUNSHADES.

**Mr. B. Venkatapatiraju :** Sir, I move :

‘That at the end of part IV the following item be inserted :

‘120A. Umbrellas including parasols and sunshades, and fittings therefor.’

Sir, we have already heard from several Members during the Budget discussion that umbrellas are not a luxury, and what I suggest is, that instead of charging a duty of 20 per cent. on umbrellas, they should be charged at the rate of 11 per cent. The Government might very well accept such a proposal. Umbrellas in this country, whether we carry them in the scorching sun or in the drenching rain, are not a luxury.

**The Honourable the President :** The question is :

‘That at the end of part IV the following item be inserted :

‘120A. Umbrellas, including parasols and sunshades, and fittings therefor.’

**Mr. C. A. Innes :** Government agree to that amendment, Sir.

The amendment was adopted.

**The Honourable the President:** All these amendments\* relating to umbrellas are, I think, disposed of right down to No. 108.

#### PATENT MEDICINES.

**Lieutenant-Colonel H. A. J. Gidncy:** Sir, I am afraid I shall have to proceed with my amendment. I shall not detain the House very long. My amendment refers to the imposition of a tax of 20 per cent. on Patent Medicines. The duty on Patent Medicines is now 7½ per cent. and I wish to increase it to 20 per cent. My amendment runs as follows:

‘That the following item be added to part V, namely:

‘110. Patent Medicines.’

‘NOTE: The term *Patent Medicines* has the same meaning as under the rules of the Inland Revenue of England.’

My one reason for doing so is ‘Necessity’: with a deficit of about 19 crores facing us I feel sure the House will unanimously accept any legitimate method of increasing our revenue.

The legal aspect of this amendment can be best dealt with by referring to the treatment meted out to Patent Medicines in England. Sir, in England, the duty on Secret Medicines is regulated by the Stamp Act of 1804 as amended by the Stamp Amendment Act of 1812. The Act of 1804 was itself in part an amending act. The tax on proprietary medicines remains, but that on advertisement through and by which their sales exist and flourish has been most unfortunately repealed. The Act of 1804 contained a schedule of about 450 patent medicines. In the Act of 1812—this was replaced by a new schedule in which about 550 proprietary medicines were mentioned by name. To-day the list of patent medicines has a total of many thousands which can be readily obtained from the Inland Revenue Returns and accepted *en masse* by the Government of India. Sir, I have not been able to obtain any recent Inland Revenue returns on patent medicine, but in England, during the years 1883-1908, the amount received by the State from the Stamp duty on patent medicines increased from £263,363 to £331,141. The value of these stamps which the vendors are compelled to fix on the bottles or packages varies according to the sale price of the articles, being from 1½d. to 10s. In 1908, the British public purchased 41 millions of stamped patent medicines and paid a total of about £3,000,000. The vendor judging from his peculiar sale prices of 1s. 1½d. or 2s. 9d. takes good care that the consumer pays not only for his patent medicines but also for the price of the Stamp duty imposed on him. There is no doubt that the sale of patent medicines has enormously increased during the past decade and this is not to be wondered at considering the freedom with which they can gull the ignorant public by their wonderful ‘cure-all’ advertisements which I understand are not taxable. In fact, the blatant frauds perpetrated on the public became so serious that the British Medical Association exposed them in 1909. The results have been published in book form ‘Secret medicines, what they cost and what they contain’. A perusal of these books will, I feel sure, be of enormous interest and benefit to the Honourable Members. Let me quote a few well-known patent medicines with their compositions, cost prices and sale prices:

1. *Dr. William's Pink Pills for Pale People*.—Sale price 2s. 9d. for 30 pills, cost price 1½d.

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\* On the List of Business.

2. *Bile Beans for Bilious People*.—Sale price 2s. 9d., cost price  $\frac{1}{2}$ d.
  3. *Mother Seigels Syrup*.—Sale price 2s. 6d. for 3 oz. cost price  $\frac{1}{2}$ d.
  4. *Carter's Little Liver Pills*.—Sale price 1s. 1 $\frac{1}{2}$ d. for 42 pills, cost price  $\frac{1}{2}$ d.
  5. *Beccham's Pills*.—Sale price 2s. 9d. for 90 pills, cost price  $\frac{1}{2}$ d.
- A Member* : They are worth a guinea a box.

**Lieutenant-Colonel H. A. J. Gidney** : Yes, and with the exchange at Rs. 15 per £ and not Rs. 10.

The above are pre-war prices—add 100 per cent. and even then the frauds are apparent. I am glad to have this opportunity of exposing the frauds and dishonesty practised by the vendors of patent medicines.

Sir, the present import duty on all drugs including patent medicines is an *ad valorem* 7 $\frac{1}{2}$  per cent. I submit, it is unjust to levy an equal import duty on patent medicines and 'honest drugs'. The former should be subject to a much higher duty, which I suggest, should be 20 per cent. *ad valorem*. If this were accepted, the change would not entail the introduction of any new machinery for a list of the patent medicines can be easily obtained from the Inland Revenue returns and accepted by the Government of India. The same can be done regarding patent medicines from all other foreign countries.

Sir, the value of imports of proprietary and patent medicines in India as obtained from official records is as follows :

	Rs.
1917-18 . . . . .	21,54,442
1918-19 . . . . .	2,50,657
1919-20 . . . . .	30,48,798
1920-21 (ten months) . . . . .	26,12,211

All at present subject to 7 $\frac{1}{2}$  per cent. *ad valorem* duty. I understand, Sir, that this return does not include patent medicines from America and other countries which, if included, would swell the import value to at least 50 lakhs yearly. The present import duty is 7 $\frac{1}{2}$  per cent. *ad valorem*. This on Rs. 51,00,000 would bring in a revenue of Rs. 2,25,000. If raised to 20 per cent. as suggested in my amendment the revenue would be Rs. 6,20,000, *i.e.*, a net increase of about 4 lakhs. I therefore commend this amendment to the House and feel sure that it will be accepted unanimously.

**Mr. C. A. Innes** : Sir, I think that I ought to object to this proposal on grounds of principle. I do not think that we ought to use our Customs Tariff in order to prevent or to hamper patent medicines from coming into the country. If it is necessary in any way to regulate the use, or check the growth of the use of these patent medicines in this country, I submit that that legislation should be undertaken separately and that the matter should be considered apart from the Customs Tariff. It seems to me a wrong principle that we should use this Tariff for discriminating between what Colonel Gidney calls 'genuine' drugs and patent medicines. For all I know, patent medicines may consist of genuine drugs, and I believe myself that many of them do. But my main objection, as I have said before, is one of principle. I think we ought to make it a principle that we should not use the Customs Tariff for purposes of this kind.

The amendment was negatived.

**The Honourable the President :** The question is :

That Schedule II stand part of the Bill.

The motion was adopted.

**The Honourable Mr. W. M. Hailey :** I beg to move, Sir :

‘ That the consequential amendments as to re-numbering and the like be made in the Schedules as now amended ’.

This is merely a formal motion in order that the amendments may be put in the necessary order, and gaps, etc., avoided.

**The Honourable the President :** The question is :

‘ That formal consequential amendments as to re-numbering and the like be made in Schedule I ’.

The motion was adopted.

#### RAILWAY AND STEAMSHIPS.

**Mr. A. D. Pickford :** Sir, I shall endeavour to detain the House as little as possible. I feel, however, that I must ask for the indulgence of the House for a few minutes in order that I may make the position of this amendment perfectly clear to the Members. I ask this because unless the effect of the amendment is made clear, I feel there will be a grave risk that really serious injustice may be done. The amendment that stands in my name is as follows :

‘ That in clause 4 all the words after ‘ 1921 ’ shall be deleted, and in their place the following shall be inserted :

‘ (a) Section 3. (1) of the Freight (Railway and Inland Steam-vessel) Tax Act, 1917 shall be repealed, and the following section substituted therefor, *viz.*

‘ 3. (1) Subject to the provisions of this Act ’ there shall be levied and collected on goods carried by :

(a) any inland vessel in British India a tax at the rate specified in that behalf in Schedule I, or

(b) any railway in British India a tax at the rate specified in that behalf in Schedule II.’

(b) For the second Schedule to the aforesaid Freight Tax Act, 1917, the Schedule contained in the fourth Schedule to this Act shall be substituted and numbered II.

(c) The second Schedule to the aforesaid Freight Tax Act, 1917, shall be numbered III, and

(d) In section 5 of the aforesaid Freight Tax Act, 1917, ‘ Schedule II ’ shall be altered to read ‘ Schedule III ’ and any other consequential alterations that may be necessary shall also be made in the said Act.’

Sir, I hope, Honourable Members will not be alarmed by the terms of that amendment. It looks a very complicated affair, but it is really perfectly simple ; and, believe me, contains no trade slimness at the back of it. The effect of it is simply this. The proposals of the Government are that a surcharge should be levied on all goods carried by railways and by inland steam-vessels. The only effect of this amendment is to continue the surcharge on railways, but leave

the position with regard to inland steam-vessels as it stands at present. That is the whole effect of it, and all the other verbiage is merely a question of getting the thing into proper order, the schedules into their normal order. Now, the House will naturally ask, why should inland steam-vessels be treated differently from railways in this matter? The answer is very simple. The inland steam-ship companies of which there are a fair number are private commercial concerns, like, for instance, a sugar company, or cotton company or a jute mill or an ocean steam-ship company; they differ in no way except for the fact that they do come into competition with railways, and especially with State railways. Now, it is a fact that inland steamers compete from point to point with the railways. That is one fact which I would ask Members of this House particularly to note. The second fact which I would ask Members particularly to note is, that in the past where for any reason it has been necessary to levy more freight on goods or passengers carried it has been done generally by raising the rates on railways with the sanction of the Railway Board, and a corresponding increased rate is levied as the inland steam-vessel companies may think desirable. Now, it is perfectly clear that if the railways do not raise their rates the inland steam vessels cannot without raising their rates continue to pay. What is the position now? And in connection with this it is necessary for the House to examine very carefully indeed the reasons which the representatives of Government have given for the proposed surcharge. The position is that the Government come to the public and say:

‘The cost of working railways has gone up. We think, therefore, we must raise the rates, that we must get more money in order to meet the deficiency.’

Now the Railway Board, as its habit is, says, ‘We have not had time. We cannot yet carry out this complicated business of raising rates.’ The steamer companies on the other hand, being commercially run shows, say ‘We are prepared to raise the rates at once to meet our working costs if the Railway Board will wake up and raise their rates.’ Very well, that is no use to the Honourable the Finance Member. He has got to come up with the Budget and he looks round to see how he can get out of the difficulty into which the Railway Board has put him; and he says to us:

‘As I cannot get the railway rates increased, I must in the meantime place a surcharge on all the goods that are carried by railways.’

At the same time, he says, ‘I am going to include the Inland Steam Vessels.’ Now on the first point, — I am not quite sure if I have made the point clear, but I want to make it quite explicit from the actual words which have been used by the Honourable the Finance Member in introducing the Budget. In paragraph 30 he says: ‘I submit therefore, that quite apart from our present financial necessities, a moderate increase of rates particularly on goods traffic, the rates for which are mostly still on a pre-war basis, could be amply justified on business grounds.’ If that is not clear enough, in paragraph 31, discussing the postal rates, he says: ‘The remarks which I have just made, regarding the justification, as a business proposition, for an increase in railway rates, apply with somewhat greater force to the case of our Postal rates.’ That is to say, as he continues, ‘it is at any rate safe to say that our net revenue from the Post Office has been steadily diminishing owing to the very large growth in working expenses mainly due to increased pay of the staff, and that next year the Postal Department will, unless the charges we make to the public for Postal services are raised, actually be running at an appreciable loss.’ That is the position in a nut shell. They say that the working cost has gone up, they are

[ Mr. A. D. Pickford. ]

losing money on railways and therefore they must put the rates up. If Honourable Members will say, that is legitimate in the case of Railways, why is it not so in the case of Inland Steam Vessels. I want to explain what the position is. Remembering what the Honourable the Finance Member has said, it means this. Remembering also, may I say, that practically all railways are in part State-owned, some completely State-owned, some of those with which the Inland Steam Vessel Companies compete are entirely State-owned. Take for instance, the Eastern Bengal Railway and in a minor degree the Assam Bengal Railway. Now they are going to charge the public more money ; by carrying its goods they take that money into their pockets, that is to say, into the public revenues of the country. They take that money out of the pockets of the revenue again, and give it back to the railways in order to meet their working costs.

Now that is quite a legitimate thing. The public is merely paying for the added cost of running the railways in India. But what is the position in the case of the steam vessel companies ? Something entirely different. They, too, have had their working costs put up ; so much so that they are carrying on with the greatest difficulty. They say they want to raise their rates, it is legitimate that they should raise their rates, but the Railway Board won't let them or rather, the Railway Board won't raise their own rates, therefore they cannot raise theirs. But on the top of all this the Government comes along and says :

' We are taking the money from the railways and it is quite true we are giving it back to the railways : we are going to take it from you as well and it is quite certain we will not give it back.'

Mr. Hailey will admit he is not going to give it back to the Inland Steamer Companies ; there is no suggestion of the sort.

Now, that position seems to me to be perfectly clear ; there is a legitimate charge being made on the public to meet the increased cost of railways, while there is a completely illegitimate charge going to be levied on Inland Steam Vessel Companies--to meet what costs ? Certainly not the increased cost of the running of the inland steamers, but to help the general revenues of the country ! Now, Inland Steam Vessel Companies pay their taxes in exactly the same way as every other commercial company does. They pay income-tax, they pay supertax if they make enough, which is not likely if this passes, and they pay any other taxes that may be going, and yet there is this extraordinary differentiation, in this proposal, between their position and that of other commercial companies. They are going to have this really intolerable burden thrown on them as one of the effects of the proposal which has been made. As a matter of fact, I give it to the House as a present, it would be hard enough if the State railways were competing on ordinary lines, on ordinary commercial lines ; but they are doing nothing of the kind. To my knowledge, one of the State railways is a charitable institution supported at the expense of the public. And I give the Members of the House a present of this for any future Resolution which a Member may care to place before the House : but its immediate effect on the problem with which we are faced at the present moment is, that not only are the inland steamers competing with the railways, but they are competing with what is not in fact legitimate competition. But even if it were legitimate competition, I feel quite sure that the Members of the House must have seen, from the arguments that have been used, that the

inland steam vessels are being made to pay something which other commercial companies are not asked to pay and they are being asked to pay that something for a reason with which they are in no way concerned. It will be absolute injustice to allow this provision to remain.

May I say that the argument may possibly be used that a surcharge was imposed on inland steamers in, I think, 1917, during the war, and like many other taxes, while opposition was shown to it, the opposition was of a comparatively mild character in view of the fact that the war was on and had to be paid for.

May I just quite briefly reiterate. The purpose of the tax has been made clear beyond all measure of doubt by the Honourable the Finance Member. The purpose of the tax is legitimate so far as railways are concerned in order to meet the increased working costs. It is illegitimate so far as inland steam vessels are concerned, because money is being taken from them and placed into the general revenues and they are getting nothing out of it to assist them to meet their increased working costs.

The inland steam vessels are private commercial concerns which are, by this proposal, taxed over and above any taxation which is imposed on other commercial concerns. They are and must be, as long as the present railway policy of the Government continues, in direct point to point competition with State or partly State railways. I am quite sure that if the House does not accept this amendment which I place before it, it will be doing a very grave injustice to a service which is of the greatest value to the country and which employs a very large number of people. On the other hand I feel, also, that there is not the slightest risk, in view of the explanation which I have given to the Honourable Members of this House, of its not accepting the amendment which I have placed before them.

**Mr P. P. Ginwalla :** Sir, I am afraid, so far as conditions in my province go, that I must oppose my Honourable friend's amendment.

I believe Mr. Pickford has been to Burma, but he has probably forgotten the state of affairs there, and, if he wishes, I am quite prepared to take him back there with me and show him round. He will find in Burma that there is no competition whatever between one railway company and another or between a railway company and a flotilla company or one flotilla company and another for so far as Inland steam vessels are concerned, there is an absolute monopoly in Burma. Time after time attempts were made by smaller companies to compete against the one big concern there and they all failed. Not long ago a rival company, for which I was appearing, not only broke but its assets were eventually bought out by the flotilla company. In regard to smaller ventures, also, the same has been the result and, speaking for Burma, I should be very glad if a larger tax were levied. You can look at the Dividend lists of the company. They have killed all the small Burma boat traffic on the river practically and I think the Burmans would welcome any measure which would enable the river steam vessels traffic to be diverted to some extent to the Burmese boats.

**Mr. A. D. Pickford :** May I rise to a point of order, Sir? I did not say that all Inland Steam Vessel Companies competed with railways.

**Mr. P. P. Ginwalla :** I am very glad to hear that my Honourable friend is willing to admit that there is at least one company that needs no protection



[ Mr. P. P. Ginwalla. ]

in this particular form. If you look at the map of Burma, Sir, you will find that it is cut up by rivers, creeks and various other water-ways, upon which you see nothing except the launches of the Irrawaddy Flotilla Company, and, if there is any means by which the Burmese boat craft could be revived, this is one of the ways, and I hope the Honourable Finance Member will at least next year make an exception in favour of Burma and put a much higher tariff upon this inland steam vessel river traffic in the rivers of Burma.

**Rao Bahadur T. Rangachariar:** From the able way, Sir, in which the Honourable Mr. Pickford has presented the case to the Assembly I was rather led away from the point we are considering. I thought we were considering ways and means for finding out our deficit caused by the Budget we have just passed and also trying to find revenue for that purpose. The Honourable Member now complains that the Inland steamship companies have got to find ways and means for making up their deficits, about which we know nothing. We know our deficit and we are finding means to make up that deficit. I take the Honourable Member's word that the affairs of the steamship companies require investigating. But we are not here to find ways and means to meet any deficit for the steamship or any other companies. We are here to find funds for our own deficit and therefore the object of this surcharge is a tax for public purposes—not to make money to either run the railway or do any other thing. We are raising a tax for the purpose of meeting our deficit. If that is understood, all these questions, which the Honourable Member has raised and which no doubt deserve sympathetic consideration on another occasion, must be put on one side as this is not the occasion when we can go into them, and, therefore, Sir, I suggest that every pie now taken should go to meet our own deficit and we must not confuse the issue by taking into account the affairs of private concerns.

**Mr. E. L. Price:** Sir, as I understood it when this schedule was first put before the House, it was this. That this schedule was expressed as a purely temporary thing till the adjustment of freight charges next year to meet the increased cost of railways was ready. It was a purely temporary thing. Well, Sir, I take it, that it is in the interests of the whole country, that if the freight charges on the railways have to be revised, they should be revised as soon as possible, but it seems to me, that if we pass this schedule in any such form, where the Government will get not only a surcharge on their own business carried by the railways but where they will also pocket a surcharge on the traffic carried by somebody else's commercial enterprise, that the Government, having this illegitimate profit, need never revise the freight charges at all! So long as they can get an illegitimate profit from the Steam Navigation Companies, it seems to me they have every inducement to procrastinate. And I suppose, Sir, that if they can pass the schedule in this way, the freight charges will not be revised during the new financial year.

**Mr. J. Chaudhuri:** Sir, I shall only say one word with regard to Mr. Pickford's argument. It is this, that while State Railways are run out of public funds or loans raised by the Government, if they make a profit, the profit goes to the people, but, in the case of steamer companies, the profit goes to private individuals. And for that reason I should equalise the conditions under which State Railways and steamer companies carry on their business.

**The Honourable Mr. W. M. Hailey :** I have listened with great care to Mr. Pickford's statement, and I am bound to say that I, and, I think, my Honourable friend Sir George Barnes also, were much struck by what appeared to be the justice of some parts of the claim that he put forward. His case is, that we are taking the whole benefit of the surtax on the steamship companies, and that in so far as we are taking the whole benefit of a tax placed on their enterprise, we are preventing them thereby from making the necessary increases in their charges which we all know to be necessary in order to enable them to carry their traffic. We have had to admit the necessity for an increase in the working expenses on our own enterprises, and this increase will be met in part at all events by the surtax which we propose to impose. When we carry through the necessary arrangements, that surtax will give place—I hope at an early date—to a revision of the schedule of freights; but if we take the whole of the surtax on the steamer companies, they cannot make any revision of their rates. On these grounds, therefore, I confess I was struck with the justice of the claim put forward by Mr. Pickford. I do not agree with the whole of his claim, because we expect to make something more for ourselves than the necessary increase in the working charges of Railways; that is to say, that we do regard this in part as an actual tax on transport. I was, therefore, I confess, after consulting Sir George Barnes, prepared to agree that in view of the fact that our Railways and the private steamship companies were in competition, we should take as a measure of the taxation which was placed on them half of what we are proposing to place on our own Railways, and I thought that would be a fair settlement of the question. I admit that there is some force in the case that Mr. Rangachariar has put forward; but I do see the necessity for allowing the steamship companies to make a revision of their charge to meet increased working expenses, and it seems to me that justice requires that we should give them some scope to do so. I am therefore prepared to put to the House for its decision that we should allow the steamship companies to impose half of any charge that we are imposing in the case of Railways. If the House is prepared to accept that, we would carry out the necessary drafting of the amendments to give effect to it. For, it has still to be decided in view of Mr. Spence's proposed amendment, what form our surtax on Railways should take.

**Sir Frank Carter :** Sir, the Honourable the Finance Member seems to admit the principle that the surcharge is unjustifiable, and kindly asks the steamship companies to accept a half. Why a half? I do not think it is at all a question of a half or one-fourth. Nothing of the kind. It is a question of the whole or nothing. The Railway companies have had, I am quite sure, at least three months to consider this question of rates at least. I presume this budget has been on the tapis for about three months. Steamer companies and commercial firms can make alterations in their rates in less than three months. Why cannot the railways do the same? As regards competition, the steamer companies have to face competition not only from other steamers, but also from country boats. Why not put this surcharge on country boats? Why should you put it on steamers only? I must protest most strongly against any suggestion of a half.

**Mr. B. Venkatapatiraju :** Sir, I find it very difficult to appreciate the difficulties placed before us by the Honourable Mr. Pickford and the justice which the Honourable Mr. Hailey has seen in that demand. Supposing we

[ Mr. B. Venkatapatiraju. ]

continued to charge the old rate, what would be the effect? Supposing we do not impose any surcharge, does it make any difference in their present difficulties? Now, Sir, the increase of 5½ crores according to the statement of Honourable Mr. Hailey which this surcharge brings,—is it not taking it from the pockets of the poorer people of the country and why should you want to raise at such a time as this, such an amount? Is it not because we are unable to carry on the administration we want to tax them so heavily, and are we to take into consideration any sufferings of rich people on this occasion? If the Government can afford it, why should we tax the poor. Let us not charge any surcharge at all? Let us not raise 5½ crores for this purpose. As for the justice of revising the steamship rates, there will be time for us to discuss it. We are now in a dire difficulty, and we want to meet certain contingencies. In order to meet them we want to see how best to tax our people, that is, to tax ourselves to supply funds to the Exchequer. For that purpose we have to see whether we have to exempt duty on this, on that, or the other. After making all these people pay this amount, now we have got a proposal that something must go to the pockets of some companies, and the Government say, 'Of course it is just. We have no objection to sharing with you at least one crore by giving the companies 15 lakhs.'

**Dr. H. S. Gour :** The general exhortation of my learned friend that we have got to raise taxation and must not discriminate between companies that pay taxes and those that escape taxation does not commend itself to me. These steamship companies are struggling for their very existence. If I understand rightly, the dividend that they pay is the very reverse of the dividends which this morning Mr. Innes read out from a commercial paper. What is the dividend that they pay? I am told they pay the very miserable sum of 4 to 5 per cent, and I submit that to saddle them with this surtax is to embarrass them at a time when they are struggling for their existence. Merely because you want money, that is no reason why you should pick other people's pockets. I submit that, if you want money, it must come from sources that are naturally available to us. I do not know anything about the history of these companies beyond what I have stated. But I am deeply impressed by what Mr. Pickford has said, that while the railway companies which have been surcharged get a refund in the shape of working expenses, these commercial concerns which are doing a public good in carrying goods at a cheaper rate on the rivers are surcharged a sum of money which is not refunded to them at all. I submit that the barest justice due to these companies requires that we ought to refund this money, and I ask the Honourable the Finance Minister not to do half justice but whole justice by conceding to charge them no surcharge at all.

**Rao Bahadur T. Rangachariar :** May I rise to a point of order? How are you going to revise the Budget at this stage? Are you going to re-write the Budget by writing half and half?

**The Honourable the President :** I am glad to say that as it is not a point of order, I have not to settle that problem.

**Mr. Harchandrai Vishindas :** Can we have an idea as to what amount of loss this will entail upon our revenue, this concession asked for by Mr. Pickford half of which is conceded by Honourable Mr. Hailey?

**The Honourable Mr. W. M. Hailey :** The whole tax would be about 25 to 30 lakhs ; it is a little difficult to get at the exact figures—and half would be 12½ to 15 lakhs.

**Mr. A. D. Pickford :** May I ask the Honourable Mr. Hailey to elucidate that a little? What would be the total surcharge on railways and inland steamers of which 12 lakhs would be for inland steamers?

**The Honourable Mr. W. M. Hailey :** Out of the 5½ crores, it would be 25 to 30 lakhs on inland steamers.

**Mr. Manmohandas Ramji :** I wish to oppose this amendment on this ground. We are raising our taxes in order to make up the deficit, and therefore we are charging the people for their articles of necessity by putting a surcharge on railways and on steamers. In case of railways it has been pointed out by the Honourable Mr. Pickford that the surcharge will be going towards the expenses to make up the deficit in the working charges of the railways, and in the case of steamers, even if they are incurring enhanced charges for working, they will not be allowed to recoup anything from this tax. Now the anomaly comes here. In case of railways if you do not pay them anything in one sense, on the other hand, you will have to make good that loss. Supposing the Finance Member had not thought of putting the surcharge, the deficit in the working of the railways would have been the same, similarly, the loss would remain also in case of steamship companies the same—why this differentiation? If Government gives this refund to the railway companies in the shape of working expenses or write off the loss that would occur, it means one and the same thing. If you put the money under one head or in the other it makes no difference. But here it is proposed that private companies because they are losers must recoup something from this tax, which is not good. Of course if there is any justification for raising the rates of the inland vessels let a concrete proposal be brought before this House and discuss it on its merits. Of course they can come to the House and to the Government and say 'Here we are losing. Increase our rates.' The Government should not lose any time and should at once consider it and accede to their request or say 'No.' But it is not justifiable to bring the subject in this manner.

**Mr. T. V. Seshagiri Ayyar :** I feel compelled to intervene in this debate. The reasons assigned by the Honourable the Finance Member for meeting Mr. Pickford half way are somewhat curious. Yesterday, Sir, we had a debate about the tea industry and about the hides and skins business. Those who were responsible for the tea industry told us that the trade was languishing and that, therefore, we should not impose any taxation ; and the same argument was put forward in regard to the business in skins and hides.

Then, this Assembly told them that we have nothing to do with the languishing state of the trade. What we are concerned with is whether the industry can bear the tax. It is not a poor man's concern, and, where the country is suffering from a financial deficit, it is the duty of the Government to go to those persons who are in a position to make a profit and ask them to give a portion of the profit. Now, Sir, in the case of Joint Stock Companies, are we not taking a portion of their profit? In the case of the income-tax and in the case of the super-tax, are we not taxing private people? I do not understand the reason why, because the railway companies are in a

[ Mr. T. V. Seshagiri Ayyar.]

different position from the Inland Steam Navigation Companies; therefore, the Steam Navigation Companies should be treated differently from other taxpayers, namely, the income-tax payers, the super-tax payers and Joint Stock Companies.

In these circumstances, Sir, it seems to me that the demand made by Mr. Pickford should not be acceded to by this House.

**Mr. R. A. Spence :** Just dealing with what Mr. Seshagiri Ayyar has said, I think that, if he carries his proposal to the extent that he should, according to what he says, the Honourable the Finance Member should put this surcharge on all goods carried in country carts and on all goods carried in every form of transport in this country.

**Mr. A. D. Pickford :** I rise to a point of order in this respect, that the Honourable the Finance Member has made a proposal to us and I should like to say that I demur in the strongest possible manner not only to the injustice of the original proposal, but to what has been perfectly rightly called the giving of half-justice. At the same time, if that is the feeling of the House, in the interests of companies that cannot be choosers because of this policy, I feel that I can take no other course than to accept the proposal which has been made by the Honourable the Finance Member. I cannot express strongly enough my feelings with regard to the manner in which my suggestion has been received by him and the terms of the half-justice counter-suggestion.

**Mr. Harchandrai Vishindas :** Sir, I think we shall be committing a great error of principle if we concede this demand either to the whole extent as Mr. Pickford has asked or to the half extent to which he has just now agreed. The only ground that is put forward is one which was put forward yesterday in regard to the tea industry and the hides and skins industry and, therefore, I suggest that we should not look to the interests that are hit by this legislation. There are innumerable people affected by this measure to whom the same principles would apply as have been urged to-day and as were urged yesterday. Take the whole list; any number of people will be hit, any number of people's incomes would be reduced, any number would have to pay much more than they are paying now. It so happens that the gentlemen who have shouldered these proposals last night and to-day have very carefully studied the cases of the companies on whose behalf they have spoken, because they are very well educated people in possession of all the statistics, and, therefore, they have been able to present these three cases with great ability and great assiduity before the House. But if the same kind of work had been undertaken by any other Member on behalf of other interests, I submit a much stronger case could have been made out. But simply because nobody has taken that trouble in regard to other interests, I think there is no reason why we should favour these interests at all.

**Dr. H. S. Gour :** I move that the question be now put, Sir.

**Lieutenant-Colonel A. J. Gidney :** Sir, the Honourable Member Mr. Pickford's exposition of a very intricate question has impressed me very much.

I submit he has clearly shown that the super-tax to be imposed on these

steamship companies is an unjust one. If a similar tax were imposed on country boats it would be called 'zoolum.'

We have here listened to-day to three kinds of logic or objections for three different amendments. For we had Mr. Jammadas' amendment thrown out because various companies made such enormous profits and should be taxed accordingly. Another case was thrown out on principle, but we were not told what the principle was. Another one is about to be thrown out now by offering a half measure remedy, for a gross injustice. Is this reasonable? Is this just? Is this logic? It is not; and one is seriously tempted to call this not *logic*, but '*zoologic*.' I consider that this supertax on these steamer companies is not a just one, and the only remedy for that is not to impose it at all and to accept the Honourable Member's amendment in full.

**Mr. A. D. Pickford:** Sir, what is the position of the suggestion that the Honourable the Finance Member made which I was prepared to accept?

**The Honourable the President:** As far as the Chair is concerned, the position of that suggestion is that it never reached the form of an amendment. Ample opportunity, I think, was given for it to be put as an amendment, but the amendment was never moved.

The Assembly divided as follows:—

#### AYES—14.

Abdulla, Mr. S. M.  
Agarwala, Lala G. L.  
Ahmed, Mr. Zahir-ud-din.  
Carter, Sir Frank.  
Gidney, Lt. Col. H. A. J.  
Gour, Dr. H. S.  
Gulab Singh, Sardar.

McCarthy, Mr. Frank.  
Muhammad Ismail, Mr. S.  
Mukherjee, Babu J. N.  
Pickford, Mr. A. D.  
Price, Mr. E. L.  
Spence, Mr. R. A.  
Watson, Sir Logie Pirie.

#### NOES—51.

Abdul Quadir, Maulvi.  
Aiyer, Mr. A. V. V.  
Aiyer, Sir Siva-swamy.  
Amad Ali, Mr.  
Asad-ul-lah, Maulvi Miyan.  
Aycar, Mr. T. V. Seshagiri.  
Bagle, Mr. K. G.  
Bardawalla, Mr. S. K.  
Bhargava, Mr. J.  
Chaudhuri, Mr. J.  
Crookshank, Sir Sydney.  
Dalal, Sardar B. A.  
Das, Babu Braja Sundar.  
Dwarkanadas, Mr. J.  
Fell, Sir Godfrey.  
Gajjan Singh, Mr.  
Ghulam Sarwar Khan, Mr.  
Chaudhuri.  
Ginwala, Mr. P. P.  
Girdhardas, Mr. N.  
Hailey, The Honourable Mr. W. M.  
Hajeebhoy, Mr. Mahomed.  
Holland, The Honourable Sir Thomas.  
Hutchinson, Mr. H. N.  
Ibrahim Ali Khan, Nawab Muhammad.  
Iswar Saran, Mr.

Jatkar, Mr. B. H. R.  
Jejeebhoy, Sir Jamsetjee.  
Joshi, Mr. N. M.  
Kabraji, Mr. J. K. N.  
Lathe, Mr. A. B.  
Mahadeo Prasad, Mr.  
Mahmood Schammad, Mr.  
Mudaliar, Mr. Sambanda.  
Mukherjee, Mr. T.  
Nand Lal, Dr.  
Nag, Mr. Girish Chandra.  
Neogy, Babu Khitish Chandra.  
Norton, Mr. Eardley.  
O'Donnell, Mr. S. P.  
Rajan Baksh Shah, Mukhdum Syed.  
Ramji, Mr. Mammohandas.  
Rangachariar, Mr. Tiruvenkata.  
Reddiyar, Mr. N. K.  
Samarth, Mr. N. M.  
Sarfaraz Hussain Khan, Mr.  
Singh, Mr. B. P.  
Sircar, Mr. N. C.  
Subzposh, Mr. S. M. Zahid Ali.  
Venkatapatiraju, Mr. B.  
Vishindas, Mr. Harchandrai.  
Waghorn, Colonel W. D.

The motion was negatived.

**Mr. R. A. Spence :** Mr. President, the amendment standing in my name was drafted with the idea that the House would have accepted the principle of differentiating between Inland Steam Vessels and Railways, and as the House has not accepted that view my amendment will have to be altered in so far as it merely now concerns Schedule I, section 3, that is, instead of the proposals put forward by Government that there should be a surcharge based on the maund irrespective of distance, my amendment is that the surcharge should be a percentage of the freight paid.

The debate that we have just now had is one which some people might think is very opportune as it has given me a good many ideas, and therefore it has given me an opportunity of distinguishing myself, but it may give me an opportunity of extinguishing myself if I cannot deal with the various points that have been brought up by the Members. There is one thing, Sir, that I noticed, and it is this. I heard that this surcharge that was going to be placed would bear upon the poor people. I think the Honourable the Finance Member will bear me out in saying that this surcharge is one which is not going to bear upon the poor people at all, whether you have it in the form of a percentage as proposed by me or in the form proposed by the Honourable the Finance Member. It is merely a charge made by Government in order to meet the deficits which have occurred in the Budget which, I think, are mainly due to their not having revised the Railway Tariff early enough, and it only means a very small percentage on the cost of freight. It has got nothing to do with the cost of the articles. Now, my contention is, Sir, that the proposals of Government, as based at present, are unfairly based, for I maintain that they lay an extra burden on the man who draws his supplies from a short distance, and if I am wrong in my contention that this charge does not bear on the poor people, well then, I certainly think that the charge should be made in the way I suggest, because the poor people bring their supplies from short distances and not from long ones. Now let us take a concrete case that just occurs to me, of a man in Bombay sending away goods, there being a consumer in Poona, a consumer in Delhi and a consumer in Simla. Now, the man in Poona is paying on his particular goods, whatever they may be, 8 annas a maund, and under the Government proposal that man has got to pay a tax of 2 annas in the maund. In other words, that man is paying an extra tax of 25 per cent. on the cost of getting his goods. But you take the man at Delhi with the same class of goods. There the rate per maund is Rs. 3. Government say you merely pay 2 annas in the maund extra and that man is only paying 4 per cent. extra. And then you take somebody up in Simla—the Olympian heights we hear so much about—and there the freight charge is, let us say Rs. 4 per maund. (These are true proportions that I have mentioned on a particular article). Two annas in the maund in a Rs. 4 per maund charge is 3 per cent. Now, why should certain people who get their supplies from near at hand have to pay more than people who live a long distance away? If you have a percentage charge on freight it is the same for everybody all round.

Now, one great question that naturally comes up is,—you make the suggestion of a percentage basis, but how is it going to affect our revenue? In the speech I made on the Budget, I am afraid I made a mistake. I said that a surcharge percentage of one anna in the rupee would be equal to the Finance Member's estimate of 5½ crores from his proposals. Well, I cannot find the figures on which I based that, and I am afraid I may be a

little bit wrong, because I see, looking up under Railways, that the gross earnings from all the railways in 1918-1919 from goods traffic, that is, general merchandise, military stores, coal and coke, live stock and other goods traffic, was 49 crores. Well, you have got to deduct from that a certain amount for military stores presumably, but there has been an increase in traffic, I should think, and we may take it that from the total goods traffic on railways the gross receipts are Rs. 50 crores. Now,  $12\frac{1}{2}$  per cent. of that would give you Rs.  $6\frac{1}{4}$  crores. If, however, you take the Rs. 49 crores that I have mentioned and deduct the Military traffic, you get only just over Rs. 47 crores, and a  $12\frac{1}{2}$  per cent. tax comes to Rs. 5,90,00,000, so that from that point of view we are going to get as much money as we are from the proposals of the Honourable the Finance Member. In fact, we are going to get possibly a little more, and I hope, in view of that, that those Members who have got amendments coming after me for imposing a different rate for coal, coke, etc., or whatever it might be, will not vote against my proposal, because, I think, they will admit that the percentage basis is the fairest.

Now one of the reasons why it is necessary to make this surcharge at all, is that—you heard this very strongly just now—it is due to the Railway Board not having revised their rates. Now if they revise them, they should revise them in the form of percentage and if they are going to take off the surcharge when they have got the rates revised; the surcharge could be best made in the form of percentage—so much per maund, which would amount to the same however far the goods go.

I do not think I need detain the House any longer, but I would ask the Honourable the Finance Member to consider that, in view of the fact, that the alteration will not reduce his Budget—may, in fact, increase it—it is a much fairer way. I do trust, Sir, that the Honourable the Finance Member will accept this amendment.

**The Honourable the President:** I understand the Honourable Member moves his amendment as regards the Schedule.

**Mr. R. A. Spence:** Sir, if I may, I should like to say that as the House has thrown out the differentiation between railways and steamship companies, my other amendment was based on that and it now practically comes down to the Schedule.

May I point out again that I want the vote to be on the net freight charge. I understand that in some cases there is a certain charge made by the railway companies for goods and then a rebate is given off those goods on the railway receipt. It is not a question of giving back money afterwards.

**The Honourable Mr. W. M. Hailey:** When Mr. Spence first put this proposal to us in the course of his speech on the Budget, I thought it was a matter that ought to be considered by the proposed Joint Select Committee. It is a somewhat technical matter, and one which requires a good deal of expert consideration; but in the interval my Honourable friends Sir George Barnes and Colonel Waghorn have discussed the question with me with a view to comparing the merits of the percentage system and the surtax system. As Mr. Spence says, the advantage of the percentage system is that it gives traffic the benefit of the special terms which railways always arrange to suit the capacity of different classes of goods to bear particular rates. Certain classes of raw materials, such as limestone, for instance, can only bear low rates, and in



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practice they get the benefit of such rates ; the railways also, where necessary, give special terms for long distances. And the advantage of the percentage rate is of course that the goods which obtain the benefit of these special rates would also obtain the same benefit under the percentage system.

There is, of course, an additional advantage in that the booking clerk in preparing a way bill would find it far easier to make a percentage addition, so long as the actual calculation is not too difficult, rather than draw up a bill for surtax. I am free to admit that there has been some slight difference of opinion among ourselves on the subject. I do not think that the Railway Board like the proposition as much as I do, but I confess myself that on the whole it has many attractions, not the least of which is perhaps that it will render the task of revising the goods rates easier than if we were to put on an enhanced surtax, because the railway companies will then have some experience of the working of the percentage addition to their existing goods rates. Well, Sir, when we discussed this case we considered it as a whole. I know that Honourable Members here feel that we ought not to increase the burden in respect of a certain class of articles, such for instance, as food grains, fodder and firewood. I have made a calculation to see how a percentage rate could be worked in the fairest manner possible to all interests. I could not, I am afraid, accept the 2 annas which Mr. Spence has put forward, but I am prepared to suggest that instead of two annas, we should take  $2\frac{1}{2}$  annas, but, in return for that, we should free entirely food grains and pulses, firewood and fodder, not only from the increased surtax but from the existing surtax. That is to say, they would bear no surtax of any kind. I put that forward, Sir, as an alternative. The tax would be on the net freight and it would include what is known as 'other coaching traffic,' excluding passenger traffic. No tax would be imposed in respect of coaching passenger traffic. If that is done, I think that the sum that would be realised would be practically equivalent to that which I put forward in my budget proposals.

**Sir Sivaswamy Aiyer:** Sir, I wish to ask a question or two of the Honourable the Finance Minister for my information. At present I myself and a number of my friends here feel rather befogged on this subject. We do not exactly know what the effect of these proposals will be. One point upon which I wish to elicit information is this,—whether as the result of this amendment any portion of the surcharge will go to the benefit of the Railway Companies or not. Presumably not. I wish to know whether I am right.

Then, Sir, the other point upon which I wish to have information is this. At present there are concessions made by the Government, I believe by executive notification under the Railways Act, exempting district boards from the payment of surcharge upon road materials and things of that kind. Some of the district boards have been very much exercised by our surcharge proposals, and I have in my hand a telegram from a district board in the Madras Presidency, requesting me to urge upon the Government the need for a continuance of the exemption, which they have hitherto enjoyed. What I wish to know from the Government is, whether the concessions hitherto granted to district boards in respect of the carriage of road materials and so on from the present surcharge will be continued to them in respect of the surcharge now proposed to be levied.

**The Honourable Mr. W. M. Hailey:** Sir, I can answer at once my Honourable friend's questions. This is a tax and no part of it will go to Railway

Companies. As to the second question I know that the Railway Boards, particularly in Madras, have taken a very great interest in this matter. My Honourable friend has brought with him one telegram that he has received on the subject. If I have not brought with me, Sir, all the telegrams I have received on the subject, it is because I wish to husband my strength: my office is full of them.

We grant those concessions now. We shall go through the list of concessions that are now granted under the existing Act, and we shall endeavour, as far as possible, to maintain them. These are granted under executive orders, and are not specifically provided under the Act. We shall retain under the new Act the same power of granting concessions, and we shall go through the whole list, and, as far as possible, maintain them.

**Sir Frank Carter:** I should like to ask one question, Sir. The Honourable the Finance Member in his speech said that there was at present a free zone for goods carried 10 miles or less, which he proposed to extend to 20 miles. I do not see anything in this Act with regard to the increase in the mileage.

**The Honourable Mr. W. M. Hailey:** We do not need a free zone at all now, Sir.

**Mr. R. A. Spence:** Sir, in view of what the Honourable the Finance Member has said, for which I am very grateful, may I crave leave of the House to be allowed to alter my amendment so that after the words 'all goods' in column 1, the following words be added, namely, 'except food-stuffs, grains and pulses, firewood and fodder'. They will meet what the Honourable the Finance Member was good enough to say Government will agree to. The words will meet, I think, also the amendments standing in the names of other people, and I hope that the amendment as amended will meet the wishes of the House.

And then in column 3, Sir,—I beg the Honourable the Finance Member's pardon for leaving out the most important part—for the rate of tax,  $2\frac{1}{2}$  annas be inserted instead of 2 annas.

**Rao Bahadur T. Rangachariar:** I wish to have a doubt cleared, Sir. I quite see the simplicity and the advantage of the process suggested by the Honourable Mr. Spence, namely, a uniform increase of  $2\frac{1}{2}$  annas on the existing rate per rupee of freight. What I am doubtful about is, whether, when you call it freight, it will go to the Government. I have not got the Act with me, and I do not know how this amendment will affect our right to that freight if you call it freight, I only raise a doubt. But so long as it is clear that every pie of it will go to the Government, I am quite in sympathy with the motion. I am only doubtful whether the freight will go to the Government.

**The Honourable Mr. W. M. Hailey:** Sir, I think I can clear that doubt also. I have here the existing Act that makes it quite clear that this is a tax. The Railway Companies take no share whatever of the existing surtax, and they will take no share under the same law of the proposed surtax.

If it is now decided to put the amendment to the House, Sir, I would ask that it be completed by the addition of the words 'all goods including

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other coaching traffic,' but excluding, of course, the items mentioned by Mr. Spence, in the first column.

**Mr. E. L. Price:** Sir, I cannot quite understand the matter. It seems to me that surely this amendment of Mr. Spence would give Government a great deal more than they originally asked for. The original demand was for 2 annas per maund. Now they are going to take  $2\frac{1}{2}$  annas in the rupee. Surely that is a very much bigger thing.

**The Honourable Mr. W. M. Hailey:** I can show the Honourable Member the figures; they have been worked out in some detail.

**The Honourable the President:** Amendment moved:

'That in clause 4, all the words after the figures '1921' be deleted, and in their place the following be inserted:—

'For the first Schedule to the Freight (Railway and Inland Steam-vessel Tax) Act, 1917, the following Schedule be substituted, namely:

*'Schedule 1.*

1	2	3
Goods.	Unit or method of taxation.	Rate of Tax.

All goods including other coaching tariff but excluding foodstuffs, grains, and pulses, firewood and fodder.	Per rupee of net freight payable under existing Acts.	Two and half annas.'
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The amendment was adopted.

The motion:

'That clause 4, as amended, stand part of the Bill'

was adopted.

**The Honourable the President:** I think I am right in saying that the decision just made by the House in amending clause 4 entails the omission of the existing Schedule 4 in the Bill. We have substituted for it a new method of calculating surcharge.

**The Honourable Mr. W. M. Hailey:** May I move as a formal amendment:

'That the fourth Schedule to the Bill be deleted.'

as we have now agreed to a different method?

The motion:

'That Schedule 4 be omitted'

was adopted.

The motion

'That clause 5 stand part of the Bill'

was adopted.

## SCHEDULES.

**Mr. J. K. N. Kabraji:** The amendment which I beg to move is this:

‘That in the proposed Schedules to the Income-tax Act—

- (1) for the figures ‘5,000’ wherever they occur the figures ‘3,000’ be substituted;
- (2) for the figures ‘10,000’ wherever they occur the figures ‘6,000’ be substituted;
- (3) for the words ‘two pies’ in Schedule I the words ‘three pies’, and for the words ‘four pies’ in the same Schedule the words ‘six pies’ be substituted.’

I have proposed the amendment in case it is necessary to make up any loss on the tariff Schedule. I am not quite clear to what extent the tariff Schedule has been amended altogether because the consideration of some amendments has been postponed, notably the amendment for raising the duty to 12½ per cent. instead of to 11 per cent.

I should like that to be discussed and disposed of first before I can move my amendment to the fifth Schedule. I therefore request that the consideration of my amendment may be postponed, until the remaining amendments to the first Schedule have been disposed of.

**The Honourable the President:** Order, order. I think that in the conditions under which the original motion for postponement was accepted by the Assembly, the presumption is that the Finance Member must be in full possession of all the changes in the rates before he has made up his mind whether he is prepared to raise the rate from 11 to 12½ per cent. Therefore I think the Honourable Member is not in order in asking for a postponement of this motion.

**Mr. J. K. N. Kabraji:** I was given to understand by the Honourable Mr. Hailey that the amendment to the Income-tax Schedule would be taken up last of all.

**The Honourable the President:** No doubt the Honourable the Finance Member imagined that it would be taken up last. He probably did not then know that circumstances would arise which would necessitate the consideration of the first Schedule, which would carry the heading of part V of the first Schedule to the very end of the consideration of the whole Bill.

**Mr. J. K. N. Kabraji:** In that case I have no wish to press the amendment.

**Dr. Naadlal:** On a point of order, Sir, since the Bill is before the House, though the amendment is withdrawn or not pressed, we can go into the merits of the Bill and I hope the Chair will allow me to go into its merits before I oppose the Bill.

**The Honourable the President:** The Honourable Member can oppose the Bill when the motion is put that the Bill be passed.

The amendment was, by leave of the Assembly, withdrawn.

ARTICLES LIABLE TO *AD VALOREM* DUTY.

**Mr. R. A. Spence:** Sir, I think that the few words which I said to the House might still be in their memory and therefore there is no necessity for me to go over the matter again and I, therefore, merely formally move:

‘That in Schedule I for the heading ‘Articles which are liable to duty at 11 per cent. *ad valorem*’ the following heading be substituted ‘Articles which are liable to duty at 12½ per cent. *ad valorem*’.

**The Honourable Mr. W. M. Hailey:** Sir, the House will very well understand the struggle within my breast. I believe that the House would give me that 12½ per cent. if I asked it now and I believe that, if I got it, my position would be much securer; I might look those complicated and sometimes embarrassing statements regarding our balances which come to me once a week, I might look them in the face with a great deal more confidence. But, at the same time, I am bound to admit that I believe that the taxation which the House has already passed will give us what we asked for on the 1st of March, and I am therefore not justified in asking for this addition to our resources.

**The Honourable the President:** the question is :

‘That in Schedule I for the heading ‘Articles which are liable to duty at 11 per cent. *ad valorem*’, the following heading be substituted :--

‘Articles which are liable to duty at 12½ per cent. *ad valorem*’.

**Mr. E. L. Price:** Sir, I was under the impression that this was going to be put to the vote, but now I understand that the Honourable Member who proposed this is willing to withdraw—(Cries of ‘No, he is not—’) Well, his friends will not allow him to do so. I do appeal to this House, a House which has this morning rejected a tax on a luxury or a quasi-luxury that would have brought in a crore of rupees, that, contrary to the wish of the Honourable the Finance Member, it should *not* impose extra and unnecessary taxation in a Schedule which covers a large number of articles in daily use and in fact of universal necessity.

**Mr. N. M. Samarth:** Sir, I have my doubts as to whether the estimates which we have had from the Honourable the Finance Member as to the revenue will be realised. He has taken one shilling and eight pence as his average of exchange. I have my doubts whether he will be able to realise in the course of the year that average. If he is not able to realise that, the revenue will fall short of his expectations, and it is on that ground that I strongly support this motion to raise the duty from 11 to 12½ per cent. People may sometimes think that, where the Honourable the Finance Member is not willing to raise it, it is none of our business to ask him to do so. Why should we raise it? I beg of you to take it from me that it is not my desire to make the country pay more than what the Finance Member would have to ask it to pay in the larger interests of the country. But you must also remember that a reference was made to what is called the Lancashire agitation and I should not be surprised if the Honourable the Finance Member is fighting shy of an agitation of that character being set up in England. Whether he is or is not, I should strongly advise this House, to come to his rescue in spite of himself and raise the duty from 11 to 12½ per cent. in order that his estimate of one shilling and eight pence, which is not, I am afraid, going to be realised, may not land us in another difficulty.

**Lala Girdharilal Agarwala:** Sir, one additional reason why I want to press that the duty of 12½ per cent. may be accepted is that I have had an informal conversation with some of the Members of the Council of State and they think that some of the rates, for example on letter postage, should be reduced. And it would be very convenient to the Honourable the Finance Member, when the Bill goes to the other House, to have a little more in his pocket.

I therefore submit, Sir, that this Honourable House should accept the proposal and leave some room for reduction in other items.

**Mr. J. Chaudhuri :** Sir, I beg to oppose this motion. I have already said that piece-goods manufactured in this country go up in price according to rises in the price of imported goods. I do not desire that piece-goods should further go up in price. Some people have said that fixing this duty at  $12\frac{1}{2}$  per cent. will make calculation easy, because that will work out to two annas in the rupee. But knowing the practice of shopkeepers we know that if we raise the duty to 11 per cent., they will realise from their customers  $12\frac{1}{2}$  per cent. But if we fix the duty at  $12\frac{1}{2}$  per cent. they will very likely, instead of putting an additional two annas on the rupee, put up the prices by three annas. So I think this fixing of the duty at 11 per cent. will put a check on the ordinary traders in raising the value of the goods by more than two annas in the rupee. As it is, we know by going round the market for buying things that these petty shopkeepers have put up their prices all round. A friend of mine, a member of this House, went to buy biscuits and was told by a shopkeeper only yesterday—‘Don’t you know, the Sirkar has imposed 50 per cent. duty on this thing, so I want 50 per cent. more.’ So if the duty is fixed at  $12\frac{1}{2}$  per cent. unscrupulous traders will take great advantage of it, whereas the fixing of it at 11 per cent. will put a check on the further raising of prices, either by the Mills or by the traders, and for that reason I oppose this motion.

**Sir P. S. Sivaswamy Aiyer :** Sir, with all respect to the gentlemen who have moved this Resolution and spoken in support of it, I must confess that it sounds to me very strange and incomprehensible. The Honourable the Finance Minister told us that he would be quite satisfied with the rate of 11 per cent. which he had proposed and that it would bring him in all the revenue that he wants for the requirements of the year. Now we propose to offer him an extra  $1\frac{1}{2}$  per cent. and thereby increase the burden on the consumer and put more money into the pockets of the Government to pursue a policy of extravagance, or if you would like so to call it, profligacy, by increasing the salaries of Government servants, increasing the staff and committing all those atrocities with which we generally credit them. Well, it looks to me very much like cutting off your nose to spite your face. The reason given by Mr. Samarth is this : The merchants of Manchester wish to interfere with our right to levy our own import duties, and for the purpose of making an emphatic assertion of our right we should tell them that we are going to raise it to  $12\frac{1}{2}$  per cent. . . . .

**Mr. N. M. Samarth :** I rise, Sir, to offer a personal explanation. This is not what I said. I said, I wanted to . . . . .

**The Honourable the President :** Order, order.

**Sir P. S. Sivaswamy Aiyer :** Now, Sir, I do not think that that is a sufficient justification for raising the rate of tariff. I am sure that if necessary the Honourable the Finance Minister will get up now and assure us that at the back of his willingness to be content with 11 per cent. there is really no feeling of tenderness for Manchester, and no feeling of unwillingness to fight Manchester upon this point. I believe it is really nothing more than a perfectly justifiable and proper desire to protect the interests of the consumer and the tax-payer, and, therefore,

[ Sir P. S. Sivaswamy Aiyer. ]

I think it is our duty to support the Finance Minister's proposals and be content with the burdens which have been already laid and not be a party to any increase of the burdens. If perchance the revenue that is anticipated from these sources is not equal to expectations, Government will, of course, come to us again with fresh measures; but that is a thing which we need not anticipate now. I am perfectly certain that if you go to the country no one in your constituencies will thank you for this addition to the burden by 1½ per cent. I would strongly oppose this Resolution.

**Chaudhuri Shahab-ud-Din:** Sir, I had no mind to speak on this motion, but as I find some difference of opinion among the members, I feel it my duty to say a few words. I strongly support the duty of 12½ per cent. It was in this very Chamber, in this very House, that the other day we expressed to the Finance Member our desire to find money for building soon the new capital of India. It was in this very House that we discussed the necessity of developing Indian industries. It was on this ground that one of the Honourable Members of this House proposed an hour ago that the customs duty on sugar should be raised from 15 to 25 per cent.<sup>a</sup> It is yet under consideration whether the Postal rates which were passed yesterday should, with the consent of the Government and of the President, be reconsidered. In view of all these considerations, I very strongly support the duty of 12½ per cent. I do not think that Government, if they get a little surplus revenue, will become extravagant. I think we can rely upon the good sense and wisdom of our Finance Member. With these words, Sir, I support very emphatically the proposal to charge 12½ per cent.

**Dr. Nand Lal:** Sir, I confess, my experience, as a member of the legal profession, has never brought this sort of case before my eyes: the plaintiff demands a certain amount of money, and the defendant says 'I am prepared to give more'. I have never heard of a case of this type. Here the Government put forward certain demands, based on certain rates, and this Honourable Assembly is going to suggest to the Honourable the Finance Member that we are prepared to give more. I ask the members of this Honourable Assembly, what answer will you give to your constituents if a question is put to you? What answer have you got? They will say 'you have been putting burdens, yourself, upon our heads; you have been giving money extravagantly; Government did not want so much, you yourself induced Government to charge us so much.' On this ground I oppose the motion, which, I think, has been wrongly moved before this House.

**Mr. N. M. Joshi:** I rise, Sir, to oppose the motion for raising the import duties. It seems to me that in this Assembly the manufacturers and the industrialists are represented in a larger measure than they ought to be.

Sir, every one knows that the import duties will fall upon the consumers whose number is after all much larger than of those who will benefit by the Industries. Therefore, this Assembly which claims to represent the larger number of the people of this country should not support the motion that has been put forward. We do not want more money, the Government does not want more money, so why should we add to the revenues of the Government and give them an opportunity to spend more money when it is not necessary at the cost of the people of this country?

**Mr. Jamnadas Dwarkadas :** Sir, I have great pleasure in supporting the motion which has been proposed by my Honourable friend Mr. Spence. I cannot understand, Sir, the objections,—I may say with great respect,—raised by my Honourable friend Sir Sivaswamy Aiyer against the acceptance of the motion. Sir, when the Honourable the Finance Member proposed that a duty of 11 per cent. be imposed on all imported articles, it was contended that, after all, the masses, the poorer classes, will not have to bear the burden, because the articles that are imported are not largely consumed by the poorer classes. Now when the question comes of raising a per cent and a half more, the argument is adduced by the representative of labour in this Assembly that the poorer classes will be affected . . .

**Mr. N. M. Joshi :** I did not say poorer classes at all. I said consumers.

**Mr. Jamnadas Dwarkadas :** Well, Sir, if that class of consumer is going to be affected which surely does not mind paying  $1\frac{1}{2}$  per cent. more, more especially in view of the fact that his paying  $1\frac{1}{2}$  per cent. more is going to give an impetus to the industries of this country, then I say this Assembly is justified in raising  $1\frac{1}{2}$  per cent. more.

But, Sir, the other objection that was raised by the Honourable Sir Sivaswamy Aiyer and my Honourable friend Mr. Joshi was, why we should give more money to Government than it wants. I want to emphasise the cogent argument advanced by my Honourable friend Mr. Samarth. The item of exchange is not a certainty, and at the end of the year we shall find ourselves in a very awkward position unless we have made provision by raising  $1\frac{1}{2}$  per cent. But, Sir, I appeal to this Assembly on a ground which, I am sure, will carry weight with them. I am sure that there is not one member in this Assembly who does not believe in the growth of swadeshim in this country. I believe that there is not one member who would not, if he could manage it, use swadeshi articles so as to encourage all the Indian industries in this country. Well, if the profession is not merely in words but it is also in practice, then, I think, it is incumbent on every member of this Assembly if he is a real swadeshi, to raise  $1\frac{1}{2}$  per cent. more and not reject this motion.

**Mr. J. P. Cotelingam :** Sir, I rise to support the amendment, although there are a few cries here and there in the Assembly against it. The arguments advanced by my Honourable friend Mr. Samarth appeal to me as sound as they are based not for spiting Lancashire as alleged, but on his doubts as to whether the average of 1s. 8d. being realised by the Honourable the Finance Member. Well, if the Honourable the Finance Member assures this House that the average will be maintained throughout the year . . .

**The Honourable Mr. W. M. Hailey :** No.

**Mr. J. P. Cotelingam :** The Honourable the Finance Member says he cannot give us an assurance to this effect. Therefore, Sir, I should like to see that some provision is made to meet unforeseen contingencies.

Sir, in the few remarks that I made on the Budget speech, I appealed to the Honourable the Finance Member to take into consideration the demand made by the country that some relief should be given to the holders of  $3\frac{1}{2}$  per cent. and 4 per cent. securities. I also asked that the postal rates be not oppressively increased with a view to meet those demands, I then said that the import duties may be raised to  $12\frac{1}{2}$  per cent. so that the necessary funds may be found. I therefore support the amendment.



**Dr. H. S. Gour :** Sir, I should not have thought that this House, which had treated this Budget with such severe parsimony in the earlier stages of its discussion, would exhibit a sudden outburst of magnanimity by raising the customs duties from 11 to 12½ per cent. and presenting a farewell gift of Rs. 1½ crores to the Honourable Finance Member, about whom many words, quotable and otherwise, have been printed and spoken in connection with this Budget. Now, the more I see this great divergence in the views of the Honourable Member between the outset and now, the more suspicious I become as to what could have been the object in suddenly presenting the Honourable Finance Member with money which evidently he does not want. He says he would be glad to have the money ; I should be glad to have it too ; but that is not the question : the question is, has he demonstrated the necessity for this general taxation which will increase the price of all things in this country by at least 1½ per cent.? A great many of my friends have made no secret of the fact that this rise from 11 to 12½ per cent. is intended for the purpose of creating a protective wall against outside imports. Now, Sir, so far as we, the general public, are concerned, we are not interested in the manufacturers of textile goods, we are not interested in the profits of the middlemen ; we represent the general public at large, and our sole object at this present moment is to see whether this increase of customs duties from 11 to 12½ per cent. is in the interests of that public.

Now, I submit, Sir, unless I am assured that the revision that this Assembly has made in the Budget involves a loss of Rs. 1½ crores which has to be made good, I am not convinced that a *prima facie* case has been made out for raising the customs duties from 11 to 12½ per cent. I have still to hear from the Honourable the Finance Member that this is the result of our general discussion of the Finance Bill, and I submit, Sir, that so long as we are not assured that this money is necessary for the purpose of tiding over this year of scarcity and famine, I should be most reluctant to vote one single pice more than the Honourable the Finance Member demands and needs. The Honourable Mr. Cotelingam conjured before himself the possibility of the exchange not being at 1s. 8d. which figures in the Budget. I am no prophet in exchange matters, no more than the Honourable the Finance Member, and I do not ascribe to Mr. Cotelingam any greater infallibility in that respect.

It has been said *ad nauseam* that the Budget is a gamble in rain. It may be said with equal truth that the Budget is a gamble both in rain and in exchange. I therefore submit that we know absolutely nothing as to what course the exchange is likely to take any more than we know what will be the nature of the monsoon in the ensuing season ; and unless I am sure of both, I am not in a position to predict whether this Budget will be a budget of a surplus or of appalling deficit. We have no right to assume that our expenditure will be heavier than what has been budgetted for. Let us not present in advance a pessimistic picture to ourselves and mistake our real intention of enhancing the customs duties while we are about them, for the purpose of taxing the textile fabrics. Sir, I feel with the opening statement of the Honourable the Finance Member that the customs duty must be regarded as primarily made in the Budget solely as a fiscal measure intended for the purpose of raising the revenue. I submit that on no account should it be permitted to be distorted from its normal purpose by converting it into a protection tariff. This suggestion,—the enhancement of the customs duty from 11 per cent. to 12½ per cent.—has manifested

a clear desire that their intention is to create a protection for the whole of the textile industries to the detriment of imports that come from another border of the British Empire. I feel, Sir, that as a member of the British Empire, I have also a duty towards that Empire. Therefore I say that while our duty is primarily to this country, we must not overtax the people on a mere possibility for the sake of meeting a contingency which may never arise. It is one of the principles of political economy which we learnt in our earlier days that taxation must be commensurate with the demands of the State. Here we have provided the Honourable the Finance Member with the sinews of war to the extent necessary for the ensuing financial year, and I submit no case whatever has been made out for raising this revenue—as some Honourable Members have said—to meet a possible contingency.

If such a contingency arises, I say there will be time then for this Assembly to act, but we have no right whatever to anticipate that time and I therefore submit that this Assembly should vote against the amendment moved by Mr. Spence on the short ground that no case has been made out for enhancing the customs duty from 11 to 12½ per cent.

**Mr. Harchandrai Vishandas :** Sir, may I propose that the Honourable the Finance Member do now reply to the question raised relating to exchange and then the debate be closed?

**The Honourable Mr. W. M. Hailey :** Sir, the duty of the Finance Member is to prepare the best estimates he can and then to put before his Legislature the easiest and the fairest and the most equitable way possible of getting the necessary money. If, in the course of dealing with his proposals for expenditure, the Legislature makes any changes in them which decrease the amount of the assumed expenditure, it is his duty to indicate to the Legislature the consequences that will be involved in regard to any proposal for taxation before the House. That, Sir, is what I have attempted to do. I put forward the best estimates I could frame, and nothing has occurred since, save of course in so far as the House has varied our demands for grants which justifies me in saying to the Legislature that these estimates must be modified. Take the item of expenditure first. I am bound by the votes passed by the Legislature. Some Honourable Members have suggested that if we had larger resources at our disposal, expenditure might be incurred under certain heads; but we, as a Government, are bound by the votes which have been given to us and, even if we found ourselves in possession of the most enormous windfall, we would not spend more money on these objects than the House has seen fit to vote. There is one item of expenditure, however, which I admit is uncertain, the item to which the Honourable Mr. Samarth has referred, namely the expenditure which will be incurred on account of any loss in exchange. That, Sir, was a doubtful item when I put it forward: I put it forward as a doubtful one and it remains a doubtful one. Exactly the same arguments apply now as applied then; I do not now feel justified in asking the House to make a larger provision for loss in exchange, simply because the facts were so uncertain. I admit—to come to the other side of the account—the revenue side—I admit that I have had sometimes misgivings whether we have not pitched our estimates of revenue receipts too high. Many Honourable Members here, well acquainted with the state of trade and with far better capacity than I can

[Mr. Hailey.]

ever possess for estimating its possible course for the next twelve months, have hinted the same that we have been unduly optimistic. If our estimates of receipts are not achieved, there will of course be a deficit. But there again, Sir, the factors are indeterminate; and it would be altogether going beyond my proper functions if I were to say to this House that I have put forward estimates which are so uncertain that I must ask them to make a large extra provision to guard against any exigent happenings during the course of the year. Well, Sir, I have tried to give briefly what are the functions of the Finance Member and how I have tried to perform them. But I may say there is one thing always present in the mind not only of every Finance Member but, I think, of every Member of Government. Whatever the uncertainties before one may be in the course of the year, however unpleasant it may eventually be to have to face a deficit, yet there is always one sound principle. Taxation is always to be deplored. And every Member of any responsible Government always try to keep taxation down as low as possible. It is because I have tried to do that that I may possibly have put myself in a position of some slight risk—perhaps even, as some Members might here think, of considerable risk—of having to face a deficit. But, Sir, I would rather have to take risks of that nature than I would involve myself in the certainty of imposing one pie more of taxation than I thought was immediately necessary.

**Mr. Harchandrai Vishindas :** Sir, I move that the question be now put.

**Mr. Amjad Ali :** Sir, I beg permission to say something. Since I have been attending this Budget discussion, nothing has appeared so shocking to me or so ridiculous to me as this amendment and the speeches in support of that amendment. Sir, since the Budget is being discussed here, the Honourable the Finance Member has been opposed and cried down that he has been taxing the people right and left and that the poor people will die of these heavy taxes. Now that it is about to be closed, I find a sudden outburst of charitable feeling on the part of certain Members of this House towards the Honourable the Finance Member. Sir, I fail to understand the wisdom of this amendment and the speeches in support thereof. I should only style that amendment and the speeches in support thereof as altogether ridiculous, and as a measure adopted to do a good deal of injustice to the poor people whom we represent. Sir, it is certainly our duty to represent our people and also to be of great help to the Government in the matter of revenue. No doubt about that. But at the same time we should bear in mind that we should do things either for the people or for the Government fairly and squarely. What strikes me most in this amendment, Sir, if I mistake not, is this, that the Honourable the Finance Member would be exceedingly pleased to hear the speeches of the Honourable Mover and his supporters, that they are going to give him some more money which he does not want. He will be very much pleased and say : ' Oh ! these Members are coming with money to help me '. But they should bear in mind that he represents the Government and that it is his first duty to see that no slur is cast on the administration of Government. He knows it fully well that any amount of flattery, any amount of cajolery on the part of any particular member will not help him an inch. On the contrary, Sir, it will cast a slur on the administration and will give the people outside and the newspapers full opportunity to criticise the Government, to criticise the Finance Member, and also criticise the Members of this House as mercilessly

as they have been doing since the creation of this Assembly. I therefore beg to submit to this House that we should not lend any support to this flattery. On the contrary, we should set our face against this sort of flattery.

At this stage several Honourable Members rose and moved that the question be now put.

**The Honourable the President :** The question is that the question be now put.

The motion was adopted.

**The Honourable the President :** The question I have to put now is, that the following amendment be made :

‘That in Schedule I for the heading ‘Articles which are liable to duty at 11 per cent. *ad valorem*’, the following heading be substituted :

‘Articles which are liable to duty at 12½ per cent. *ad valorem*.’

The Assembly divided as follows :

#### AYES—21.

Afsar-ul-Mulk Akram.  
Barodawalla, Mr. S. K.  
Bhargava, Mr. J.  
Cotelingam, Mr. J. P.  
Dwarkanadas, Mr. J.  
Ghulam Sarwar Khan, Mr. Chaudhuri.  
Ginwala, Mr. P. P.  
Girdhardas, Mr. N.  
Hajeebhoy, Mr. Mahomed.  
Ibrahim Ali Khan, Nawab Muhammad.

Jejeebhoy, Sir Jamestjee.  
Keith, Mr. W. J.  
Man Singh Bhai.  
Muhammad Ismail, Mr. S.  
Rajan Baksh Shah, Makhдум Syed.  
Ramji, Mr. Manmohandas.  
Reddiyar, Mr. M. K.  
Samarath, Mr. N. M.  
Shahab-ud Din, Mr. Chaudhuri.  
Spence, Mr. R. A.  
Subzposh, Mr. S. M. Zahid Ali.

#### NOES—56,

Abdulla, Mr. S. M.  
Abdul Quadir, Maulvi.  
Ahmed, Mr. Zahir-ud-din.  
Aiyer, Mr. A. V. V.  
Amjad Ali, Mr.  
Asjad-ul-lah, Maulvi Miyan.  
Ayer, Sir Sivaswamy.  
Ayya, Mr. T. V. Seshagiri.  
Bagde, Mr. K. G.  
Bryan, Mr. J. F.  
Carter, Sir Frank.  
Chaudhuri, Mr. J.  
Crookshank, Sir Sydney.  
Dalal, Sardar B. A.  
Das, Babu Braja Sundar.  
Fell, Sir Godfrey.  
Gajjan Singh, Mr.  
Gidney, Lt.-Col. H. A. J.  
Gour, Dr. H. S.  
Gulab Singh, Sardar.  
Hailey, The Honourable Mr. W. M.  
Holland, The Honourable Sir Thomas.  
Hullah, Mr. J.  
Hutchinson, Mr. H. N.  
Ikramullah Khan, Mr. Mirza Muhammad.  
Innes, Mr. C. A.  
Iswar Saran, Mr.

Jatkar, Mr. B. H. R.  
Joshi, Mr. N. M.  
Kabraji, Mr. J. K. N.  
Latthe, Mr. A. B.  
Mahmood Schannad, Mr.  
Maw, Mr. W. N.  
McCarthy, Mr. Frank.  
Mitter, Mr. D. K.  
Misra, Mr. Pyari Lal.  
Mudaliar, Mr. Sambanda.  
Mukherjea, Babu J. N.  
Mukherjee, Mr. T.  
Nand Lal, Dr.  
Nag, Mr. Girish Chandra.  
Neogy, Babu Khitish Chandra.  
Norton, Mr. Eardley.  
O'Donnell, Mr. S. P.  
Percival, Mr. P. E.  
Pickford, Mr. A. D.  
Price, Mr. E. L.  
Rangachariar, Mr. Tiruvenkata.  
Rao, Mr. P. V. Srinivasa.  
Sarfaraz Husain Khan, Mr.  
Sharp, Mr. H.  
Sircar, Mr. N. C.  
Venkatapatiraju, Mr. B.  
Vishindas, Mr. Harehandrai.  
Waghorn, Colonel W. D.  
Watson, Sir Logie Pirie.

The amendment was negatived.

**Mr. Manmohandas Ramji:** Sir, looking to the fate of the other proposition which has just been voted on by the Assembly, I am willing to withdraw my amendment\*. But I have one statement to make. I put in this proposition not because I wished to raise a protective wall against foreign imports, but, as I had given two notices of motions to do away with the tax on matches and to reduce some other taxation, I therefore gave notice of this amendment in order to meet the deficit.

**Mr. M. K. Reddiyar:** Sir, I beg to move the amendment which stands in my name. It reads as follows :

‘ That in Schedule I, from part IV omit item No. 97 altogether and insert it in a separate part headed ‘ Articles which are liable to duty at 12½ per cent.’ *ad valorem* and renumber the other items and parts accordingly. ’

Sir, I sent in this amendment in order to place more funds in the hands of Government in order that they should be able to help the Provincial Governments to do away with their contributions to the Central Government.

I move the amendment which stands in my name.

**Mr. E. L. Price:** Is this in order, Sir ?

**The Honourable the President:** I think it is in order because Mr. Spence’s amendment was to substitute ‘ Articles which are liable to duty at 12½ per cent.’ for the 11 per cent. heading. The present amendment adds a new heading altogether. As the lesser was covered by the greater, the amendment moved by Mr. Spence was taken first ; but I do not think it excludes the amendment in the name of Mr. Reddiyar.

**Mr. N. M. Samarth:** Sir, I beg to support this amendment. Apart from the reasons which I gave for the necessity of increasing the revenue so that Government may not be embarrassed by their calculations of one shilling and eight pence not being realised,—and so far as my calculations go, I am afraid, they are not likely to be realised,—there is another strong reason which has been referred to by the Mover of this amendment.

This House will remember that on a previous occasion I pleaded strongly for the 983 lakhs contribution which the Provincial Governments have to make to the Government of India being reduced as early as possible, as recommended by the Joint Parliamentary Committee. Unless the Government of India are placed in possession of sufficient funds and not perpetually be in a position to make somehow the two ends meet, there is absolutely no hope of any of these contributions being reduced or done away with. Bombay is a great sufferer in that respect. We in Bombay have a deficit and that deficit will go on increasing unless the heavy contribution we make under income-tax be removed or decreased . . . .

**The Honourable the President:** Order, order. We are not discussing the destination of the money but the origin from which it comes.

**Mr. N. M. Samarth:** My point, Sir, is that I justify this increase of revenue for the Government of India, on the ground that the Government of India may thereby be enabled to give the much needed relief to the Provincial Governments.

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\* ‘ That in the heading to Part IV of Schedule I for the figures and words ‘ 11 per cent.’ the figures and words ‘ 12 per cent.’ be substituted.’

**Mr. B. Venkatapatiraju :** Sir, I would have been glad to support this amendment, but I cannot possibly furnish any reasons to tax the people to the extent of an additional sum of one crore. Who is after all to pay that amount? If I could think that the Manchester people will pay the whole amount, I should vote for it. But after all, it is you and you alone who will have to pay the whole amount, and therefore it is impossible for us to go to the country as messengers of evil, saying that we have increased the taxation even when the Government do not want it. Sir, in any other country would the people's representatives ever care to offer more money or to agree to the imposition of additional taxation which the Government had not asked for. In this case we are in the unhappy position of offering more than we can afford. And we have already had complaints of the extravagance of Government in the general discussion of the budget. I therefore appeal to my friends, though I am just as anxious as they are to help the Provincial Governments in the matter of their contributions, I appeal to them not to let our people be taxed a pie more than is absolutely necessary.

**Mr. K. G. Bagde :** Sir, it will be clear from the contents of the amendment that is before the House that the intention of the Mover is to benefit the textile industry of this country. I am of opinion that we shall see our industries prospering, but certainly not prospering at the cost of the community. We read of the prosperity of the industries in other countries, but at whose expense, and at whose costs, have they prospered? If we go through their history in detail we shall find that they bring money from other countries. We are told, and we have been appealed to again and again in the name of swadeshi, that we should help our textile industry. Sir, I would remind the House of certain proceedings that took place here yesterday. The question before us was regarding the Hide industry. Is not the Hide industry a swadeshi industry? But what did we do? The sense of the House was against it. We did not help that industry by acceding to the demands made by the advocates of that industry.

But there is another reason also why we should not now support the motion before us. We have got sufficient money, and I see no cause why we should burden the tax-payer more. With these words I oppose the motion.

**Mr. M. K. Reddiyar :** Sir, I withdraw the amendment.

**Khan Bahadur Zahir-ud-Din Ahmed :** Sir, I rise to oppose this motion. It has practically come to this, that the plaintiff does not press his claim, but the witnesses support it. Now, I think if this were a court of justice the suit would have been immediately dismissed. When the Government does not need it, we must not assume a superior position and tell them what they should require, especially when the country is suffering so much from famine, and other sorts of diseases.

The amendment was, by leave of the Assembly, withdrawn.

**The Honourable the President :** The question is :

‘That Schedule I, as amended, stand part of the Bill.’

The motion was adopted.

**The Honourable the President :** The question is :

‘That Schedule V stand part of the Bill.’

The motion was adopted.

**The Honourable the President:** The question is :

‘ That Schedule VI stand part of the Bill.’

**Dr. Nand Lal:** On a point of order, Sir, I may be permitted to speak. No discussion has been launched on the merits of Schedule VI. Since it is now before the House, it is under the provisions of section 68, it may be discussed, and I beg your permission, Sir, to discuss it. This relates to the super-tax. I may submit, in the first place, that this Schedule, which relates to super-tax, is uncalled for, and I oppose it very strongly. The Members of this Honourable House will bear in mind that every civilised and good Government ought to see that the ability to produce wealth in the country is increased. It should not be hampered. Now, what is this super-tax? Super-tax says that you are an able man, that you possess the ability of gaining more, therefore you should be taxed. Now, the principle which I have laid down before this Honourable House—I need not repeat it—shows that the present demand is not justified. There were no arguments in support of the contention which I am raising before this House if uniformity were to be observed; but in the case of super-tax there is not a shadow of uniformity. The assessee not only pays the tax along with other assesses, but he is also called upon to pay more than the others have paid. What will be the effect of this on the financial, moral, social and political condition of the people and the country in which this super-tax is going to be enforced? Taking the financial aspect of it, it means that the little enterprise which is still in its infancy will be nipped in the bud. Members of this House will bear in mind that some of the banks which are now going on may be weakened owing to this exorbitant super-tax, why? If they earned Rs. 10 lakhs they will have to part with one-fourth of that. The dividend which will be distributed will be distributed after payment of this super-tax. Therefore a good many companies, which are in their infancy now, will be put at a great discount. Similarly, members of professions, who by virtue of their ability, influence, or hard work, earn money, would say, why should we earn? What additional advantage is given to us? The reply on behalf of the Government would be that their is the police to take care of your property, there is the educational department to educate your children, there is the medical department to look after your health; for all these considerations you ought to pay. The assessee will say, ‘I am prepared to pay the ordinary tax, but what additional advantages are you going to give me for the super-tax’. ‘I am paying ordinary Income-tax, along with the other assessee; what additional compensation are you giving me because you are taxing me so heavily with super-tax’. He will not apply his mind to the pursuit of money, he will not apply his mind to the development of commerce which he has undertaken to do; and what will be the consequence? The wealth of the country will be eventually diminished; the ability, which the country possesses of producing wealth, will be reduced; learning, as a matter of fact, will be at a discount. Then morally what will be the result, when Government is going to impose such a heavy tax? The assessee will try to evade the Super-tax Act, and as all of you know, only that law is good which leaves smaller room for evasion. Every assessee’s attempt will be to evade this law, and an evasion of the law means telling a number of lies. He will try to evade this law in one way or another. Therefore, this law which is being passed now cannot be called a good law, because it will affect the morality of the people. That law is good which is adhered to and complied with by the people with satis-

faction. If there is any fear of their becoming insincere, owing to that law, then, I am afraid, it is not a good law.

Now socially what will be the effect? If there is a joint Hindu family and the income earned by that family is taxable, so far as the provisions of this Super-tax Act are concerned, the head of that family will try to evade the law and ask his son to go away and try to show that a certain portion of the income which was made, was made separately by him. In this way, accounts will be cooked, forgeries will be committed, and false accounts will be kept. Therefore, the Super-tax Bill, which is before us, will have a very mischievous effect, so far as the phases enumerated above by me are concerned.

Now let us consider what will be its effect on the political conditions? Naturally, companies, banks and other industrial and trading concerns will begin to say 'Oh, Government is going to take one-fourth of our income' and it will give them the greatest possible pinch. The man, who is pinched hard, will never have sympathy with a man who gives that pinch. Therefore on this ground also, I submit that the Super-tax Bill, which is before us, will not bring about the desired result.

On all these points, I submit, the Super-tax Act, which is before the House now as a Bill, will not bring about that gain which is contemplated by the framers thereof, and eventually it will be cause of a greater loss. On these grounds, I very respectfully submit that the members of this Assembly, who represent wealthy men also, have to think about their condition of mind, and I would remind the House of it. This is a crucial work which is being done before this House, so far as our constituencies are concerned. Therefore, I am sure you will give your very great consideration to this point. With this submission I respectfully urge that you will give support to what I have submitted.

**Mr. R. A. Spence:** Sir, I move that the question be now put.

The motion was adopted.

**The Honourable the President:** The question is:

'That Schedule VI stand part of the Bill.'

The motion was adopted.

**Mr. B. Venkatapatiraju:** Sir, at this late hour, I do not propose to take up much of your time. I suggest that the diplomatic words which we are accustomed to find in the Statutes should be replaced by giving reasons. My suggestion is that in the Preamble, for the word 'expedient' the words 'found necessary on account of abnormal growth of expenditure, military and civil' be substituted. Hitherto, Sir, the Government have not been responsible to the people. They did not need to explain why they imposed taxes or why they enacted any law. They have done these things according to their sweet will and pleasure. Now they ask us to share the responsibility. It is the first time in the annals of our country that the Honourable the Finance Minister comes forward with a deficit of Rs. 19 crores and asks that taxes to get about 18 crores should be imposed on the people in one year, and especially at a time when the people are not in very affluent circumstances. Though we have felt our own misgivings, we have voted whatever demands were made by the Government with slight reductions, and to support those grants, we have



[ Mr. Venkatapatiraju. ]

now passed practically all the provisions of the Finance Bill with slight modifications. And when we go to the people, is it not our duty to explain why we have imposed these taxes? Therefore let us confess what we have done. If the members of the Assembly disagree with me that not on account of the growth of military expenditure and on account of the growth of civil expenditure, but on other grounds we are obliged to make up this loss, it is another matter. If you agree with me that on account of this abnormal growth of military and civil expenditure there was a deficit and to meet that deficit we are providing all this money, I say let us honestly confess it and put it in black and white so that people might understand that on account of absolute necessity we are obliged to tax ourselves to the extent of Rs. 18 crores and when a favourable opportunity occurs we will reduce it.

With that object in view, Sir, I propose this change in the preamble.

**The Honourable Mr. W. M. Hailey :** Sir, this is really a question of current drafting practice. I do not remember to have found in my researches in the modern Statute-book, that the Lawyers, when drafting other Bills, have given them elaborate and picturesque reasons why they were necessary. I do not, for instance, remember having seen on a Divorce Law, a preamble containing reflections on the frailty of virtue, nor have I seen on a Taxation Act imposing death duties a preamble reflecting on the shortness of human life. There are Acts the object of which is either to reduce or to increase the taxation on liquor. Well, I have never seen them headed with apposite proverbs such as the Greek 'Ariston men hudôr' or those Hindustanee words which many here perhaps know and which some will appreciate :

*'Jabtak na ho sharab  
Ilai be maza kabab'*

Perhaps the Honourable Member would like to see at the head of our Bill the lines of Canning :

'What I give thee sixpence, I will see thee *d—d* first' ?

Sir, if we once begin this course of explanatory preambulation, I suggest that while we shall render our Statute-book perhaps a little more picturesque and interesting than it is at present, we may perhaps also run the danger of being regarded by our successors as a little whimsical.

**Rao Bahadur T. Rangachariar :** Sir, perhaps the Honourable the Finance Member will excuse me if I give him precedents for this suggestion. I think he will have read the preamble of the Regulations introducing permanent settlement in Bengal, Madras and other places. Many wicked deeds committed before this permanent settlement was introduced by previous Governments are referred to and it was in order to prevent those wicked deeds, it is stated, that we introduced it. As recently as 1911 in the Acts about the relations between the House of Commons and the House of Lords, I remember quite distinctly that the preamble recited was something like this :

'We are now going to reform the House of Lords by introducing the elected element, till then we must enact these provisions.'

Therefore I can say that there is no novelty in this proposal. Not that I myself support the motion before the House (laughter).

(Cries from Honourable Members of 'Withdraw ! Withdraw' !!)

**Mr. B. Venkatapatiraju :** My Honourable friends seem to be very anxious that I should withdraw my amendment. In deference to their wishes, I am withdrawing it against my will.

The amendment was, by leave of the Assembly, withdrawn.

**The Honourable the President:** The question is :

‘ That this be the\* preamble of the Bill.’

The motion was adopted.

**The Honourable the President:** The question is :

‘ That this be the title† of the Bill.’

The motion was adopted.

**The Honourable Mr. W. M. Hailey:** I beg to move, that the Bill, as amended, be now passed.

**Mr. Eardley Norton:** This, Sir, is our first Budget, and before we part with it, I should like to say a few words on questions of principle which underlie its genesis and define our attitude towards, and our rights in connection with, it. I trust, Sir, now that the child, which has been born amid the clash and turmoil of financial quarrels, and which we restore to the arms of its putative parent, will in course of time grow up a strong, handsome and useful stripling. We have endeavoured, as far as we possibly could, to make its entry into this world as little uncomfortable as possible. There remain after its christening one or two considerations not unworthy the expenditure of two or three minutes’ careful attention.

There is an uneasy sensation in more quarters than one of this House that the Honourable the Finance Member—with regard to whom I desire to say nothing unpleasantly critical at this stage, either with regard to his Finance Bill or to his Budget—there is, I say, an uneasy suspicion that he is not speaking his own mind, is not writing with his own hand, is the creature of impulses outside the geographical limitations of British India.

Whether that is really so, we cannot tell. But a suspicion, to that effect is with us and in us. A suspicion, which while it releases the Honourable the Finance Member in one direction, attaches to him in another direction the not very enviable responsibility of trying to arrange mosaics not of his own making into a respectable pattern that shall please our eye.

This Assembly has already shown itself—and shown itself justly—to be sensitive on any encroachment upon its rights, jealous of any invasion of its financial privileges. I ask it to-night in memory and expression of that sensitiveness and that jealousy to hear and note the few remarks I have to offer.

Now with regard to the real author or authors of the policy which is responsible both for the Budget and the Finance Bill. There is internal evidence, during the discussion within the four corners in this House, that neither measure traces descent from the Honourable the Finance Member; that he is not really a free agent with reference to either; not with regard to the important question of the sale of Reverse Councils; not with regard to the important question of exchange; not with regard to the omission of the duty upon imported silver bullion; these are clear indications that the Honourable Member is speaking with a borrowed voice. Whence does it come from and to whom does it belong?

\* Whereas it is expedient further to amend the Indian Tariff Act, 1894, the Indian Post Office Act, 1898, the Indian Income Tax Act, 1918, and the Super Tax Act, 1920, and to amend the Freight (Railway and Inland steam-vessel) Tax Act, 1917; It is hereby enacted as follows.

† The Indian Finance Bill, 1921.

[ Mr. Eardley Norton. ]

If we are right in our suspicions that while we can congratulate the Finance Member on the stand he has made against Lancashire, we cannot extend the congratulations to the surrender to London—then indeed, I am on safe ground in suggesting to this House that we are permitting alien influences to mould our financial policy, and that unless we are alert and sensitive and jealous we shall be permitting a policy to prevail which will have for its end the furtherance of interests which are not India's but the interests of another country. Against that I ask this House to arm itself, ready to strike in self-defence against all who seek to exploit the resources of this land for the augmentation of their own private wealth. When the Honourable the Finance Member was asked for an explanation with regard to the Reverse Councils, I see that he made this statement in his speech at page 77 of the Gazette of India :

' We have frequently been asked to explain how far the persistence in the selling of Reverse Councils on the system first adopted was due to our deliberate choice or how far the responsibility lay with the Home authorities. Particular emphasis has been laid on the failure to adopt the system of sale by competitive tender. I regret that it is not within the power of Government to answer these inquiries.'

Why not? Did they not know, or, knowing, will they not answer? I cannot entertain for one moment the suggestion that the Government have not got the answer. The only possible inference is that they have it and will not reveal it. I think we are entitled to apply to the Honourable the Finance Member from his failure to produce the legal presumption most hostile to himself. It is quite clear to me, and I hope it will be equally clear to this House, that the reason why the Finance Member was unable to answer that particular question with regard to the policy of his Government in the matter of the Reverse Councils was because he did not wish to implicate persons who are not here and who do not desire to be here.

I pass over the policy of exchange. That also has been debated and condemned. Then I come to a question of importance, so far as this Member is concerned. I pass to the matter of the suggested impost upon silver bullion. I am not here to reopen the merits or demerits of that matter. The decision has been taken not to enforce any import duty. I only refer to it to use it by way of illustration of the dangers which I ask this House to take cognizance if it intends to preserve its financial privileges unimpaired among which I hope it will include the right to enforce a policy which puts Indian values in the forefront as matters of greater relative importance than English interests. Now, with regard to the question of bullion, I remember the Honourable the Finance Member telling us two or three days ago, or perhaps a little earlier than that, that he could not define his attitude upon that question without reference to the bullion merchants of Bombay. One Member here to-night, my Honourable friend, Mr. Price, has already referred to the fact, and fact it is, that the Honourable the Finance Member was not so tender in his dealings with other interests than the bullion silver interest—interests, surely as important, for instance, the food and the clothing of the poorer peoples in India. As far as I am aware, the Honourable the Finance Member made no reference to any previous conference, before imposing taxation, with the sugar dealers or the piece-good merchants or the importers of cigarettes or the importers of wines and spirits. Why then does he show a difference in his treatment between commodities such as these and the question of bullion? Is it because he wishes to safeguard interests which

are not resident in India but at home? Is it that he is swayed by foreign impulses, by active wirepullers elsewhere whom in a measure he is ashamed to avow? Is it a fact that the real reason for this approach to the so-called bullion merchants of Bombay is that it is an approach to the bullion merchants not in Bombay, not in India, but in England? We have had to resist the open attack made upon us by Manchester and we have answered Manchester, I think upon the whole, with credit to ourselves. We have now, Sir, to resist the equally insidious and perhaps more dangerous attack made upon us by those who, being none the less powerful and none the less dangerous, have at their disposal a human instrument so facile, so persuasive, and so insidious as the Honourable Member sitting opposite me. If, as a matter of fact, the real influences which are prevalent with the Honourable the Finance Member, in the composition both of his Budget and Revenue Bill, be influences which are outside our reach as being outside India—influences to which my Honourable friend, Mr. Price, has alluded as ‘busybodies,’ then I put it to the House that we should be prepared to be trebly jealous of our privileges, and trebly sensitive against the intervention of ‘busybodies’ who are not likely in the measures they frame to postpone their financial advantages and interests to ours. And if it be true—I am afraid that it is—if it be true that the real impelling and controlling influences with regard to this matter and other financial matters are to be found in England and not in India, then I think that this House would like very much to know, who is the Rasputin behind our financial Czar, to which I would add the supplementary question, where is he living, in Delhi or in London? Is it in India where we can control him, or is he at home outside our jurisdiction? So long as a suspicion such as this is permitted to float in the minds of members, it creates an extremely unpleasant and unhappy feeling with them. It compels them to believe that they are really puppets, and that these financial considerations are brought forward not, as they should be, solely for the benefit of the peoples of India, but under alien guidance for the benefit and prosperity of men who have long exploited India for their own ends and who intend to prolong that process without interruption in the future. On this question of bullion, let me refer to a telegram coming from Calcutta. I think it was in yesterday’s *Pioneer*. It is as follows:—‘The Secretary of the Calcutta Bullion Association has wired to the Financial Department of the Government of India praying that no duty on silver should be now imposed and in any event that no duty be levied before June next.’ Are we not entitled to ask, why such a telegram should be sent? Why should these gentlemen who are able to make these markets fluctuate, no doubt, to their own financial benefit, be urging on the Government an extension of time which shall exempt their own pockets from the inconveniences of taxation? Are they not somewhat similar, Sir, to the criminal who says to the learned Judge who is trying him: ‘I am not guilty, my Lord, either of manslaughter or of murder. But if you are going to pass a sentence on me, please convict me of manslaughter.’ Here are these bullion merchants of Calcutta, I suppose in touch with the bullion merchants of Bombay, seeking to get outside the four corners of this taxation by asking this Government (for no reason assigned and for no reason assignable) to postpone the period from which this Act shall come into force in order to enable them to secure their deposits afloat and house them intact inside Bombay. I do not propose to touch upon the merits of this Bill. These have passed beyond our criticism and control. But I do wish to linger for a moment on the caution which this Bill enjoins upon all those

[ Mr. Eardley Norton. ]

who wish to preserve in tact the control of this House over fiscal questions. Yesterday it was the Council of State. To-day it is the occult power behind the scenes in England. Each is dangerous in a different degree. Both must be met and fought and crushed. It would be impossible for us who have followed the procedure of this House for many days and followed it, I hope, with patience, discernment and interest, not to recognise and applaud the attitude on both sides of the House, as indicative of a desire on each side to work the new reforms honestly and honourably in the spirit of cordial and mutual good-will. There has been much of give and take on both sides. I have been as much struck with the courtesy and the frankness as with the ingenuity and resource of the Honourable the Finance Minister opposite. I have been struck not only by his attitude, but by the attitude of all the Government officials who have had occasion to stand up and answer our questions, to give us information, or to defend their positions against our attacks. I do not think that any member on this side of the House can honestly complain that he has not been assisted in every legitimate way and in every generous extent to a common effort to make good this our first meeting on the reformed Legislative Assembly by the Honourable Members opposite who represent the Government. Their attitude affords a complete answer to the hostile criticism which not so long ago was in certain quarters flung against the Members of the Indian Civil Service, of whom it was said that they would embody and practise the real and discontented opposition to the spirit of the reforms; that they would combine themselves to resist the progress sketched, and that in them we, the elected non-officials, should find our most inveterate and unyielding foes. I am glad to be able to think that that criticism has been shattered; that it is devoid of all foundation; and that if it be permissible to draw an inference from the conditions of to-day, I may claim, in a prophesy of the future, to look with confidence to honest and considered support from quarters to which prejudice had ascribed opposition. I have been a hostile and inconsiderate critic of Government. So the unthinking say. If so, which I deny, my recantation is all the more valuable. I have always thought that when the reforms took statutory shape the same official world outside that service which attempted at one time to postpone what some considered would be the hour of their execution, would be the first to render, as they have rendered, loyal and selfless service for the achievement of progress. For that we on this side of the House are deeply and publicly grateful. As I said, my main object in rising to make these remarks was to accentuate the duty all of us inside this House, and, more especially, those of us who sit as the non-official elected members, owe to ourselves if we are honest and to India and Great Britain alike if we are wise. The nominated members who, we may feel sure, are as able as ourselves to contribute to the total of political wisdom have not given us audible evidence of their presence or of their opinions in this House. We have seen them, we have watched them, and we have admired them, but we have not heard them except in very rare instances. I take pride in the intervention in debate of the Honourable the nominated member behind me who hails from Ootacamund. I regret the modesty and self-imposed reticence of the nominated members inside this House, a modesty and reticence not always accompanying their attitude outside. I trust that, as we grow older and get more acclimatised to the novel procedure of this infant institution they will imitate my Honourable friend behind

me and give us clearly and audibly the benefit of their long administrative and executive wisdom and experience. From the Members of this House who have appropriated the larger share of the debates, I claim on the whole the exhibition of a remarkable self-restraint, even though I recall the number and the variety of the speeches which have come from this side of the House, and more particularly from my especial quarter, the Madras quarter, of this House. We have achieved one notable triumph. In the long history of the Government of India this is the first time that a Government Finance Bill has had one single line of its financial proposals altered, an achievement which upon the whole has been accompanied with moderation and a tendency to compromise. Lastly, let me urge upon my Honourable colleagues, the elected non-official Members of this House, that we should be always upon our guard against the introduction, however slight, of any element which points to the deprivation or the infringement of our right to control our own finances; that we should proclaim on this, our first opportunity, our own financial independence; that we should openly assert our intention to stand on our own and not upon borrowed legs; that we should declare our resolution to be masters in our own financial house.

**Dr. H. S. Gour:** At the close of the Budget and its accompanying Finance Bills, I entirely and heartily associate with my friend, the Honourable Mr. Eardley Norton, in congratulating the members of the Government for their unflinching courtesy and spirit of compromise in dealing with the difficult questions with which the non-official members were concerned. I echo the sentiments of my Honourable colleagues in saying that whatever may have been the suspicions of elected members of this House about the attitude of the members of the Indian Civil Service, those suspicions have completely disappeared, and the attitude of the members of Government has been one of continuous sympathy and unflinching friendliness. I have no doubt whatever, Sir, that this is a most hopeful augury for the future success of this House. I conclude, Sir, by asking you whether it would be in order to put the coping stone upon this Finance Bill by harking back to a question which I asked this House earlier in the day. If I understood you aright, you said that this question could be again moved later on when the whole Bill came up for the vote of this House. If it is open to me to mention that question there is one point upon which this House feels keenly, and it is the continuance of the half an anna postage, and it is the poor man's plea and I hope the Honourable Members in charge of Government will accede to it. I have reason to believe that they will accede to it, and if that is done, we shall have complete confidence in the budget and the Finance Bill which we have just now passed.

**The Honourable Mr. W. M. Hailey:** Sir, I think it would be unfitting that I should allow this occasion to pass without thanking Mr. Eardley Norton and Dr. Gour for what they have said this evening in regard to the conduct of the Bill from the Government side. At the same time, I wish heartily to reciprocate from our side their expression of good feeling; and to say, if I may be allowed to say this to the House, how much we, on our side, appreciate the forbearance it has exhibited, admire its industry, and most of all appreciate the goodwill it has shown to us. It is usual in other countries for a member of the Government who has to bring forward a piece of difficult and contentious legislation to make sure before he goes to the legislature that he has a majority behind him. I think there are few who would venture into a representative assembly with an unpopular scheme of

[ Mr. W. M. Hailey. ]

taxation in the face of a large potential majority against them without much misgiving and much apprehension. I can only say for ourselves, Sir, that knowing from the first that we had to rely on convincing the House by reason, we have throughout done our best to be open and honest in placing our case before it. We have realised throughout that any attempt to hold back any part of our case, any attempt to get round a difficult situation by mere strategy, would be more than useless ; it would indeed be dangerous to our own cause. We have been content to rely and indeed we have been obliged to rely, on the strength of our own case. Our best policy was to attempt to help the House to a right decision on each point that arose ; and I know that I can say beforehand, that every Member of this Government will always attempt to take exactly the same attitude with the House.

Purely by way of reference, and not by way of combativeness, for I feel that, after the two days we have just spent together, contentiousness on my part would, at this stage, be out of place, purely by way of reference and nothing else, let me try to enlighten Mr. Hardley Norton regarding our attitude on the subject of bullion. There is no dark ogre anywhere, outside this country or inside it, that has controlled our attitude on this question. In fact, Sir, I am revealing no official secrets whatever when I say that we have had no communication with Home upon the subject. Perhaps that will disabuse his mind of any impression on the subject of our relations with the Home authorities on this point. He quotes a telegram which he has received from the bullion dealers of Calcutta. I have received very numerous telegrams from Japanese traders in silk, from liquor merchants, from match merchants, from every kind of merchant in the country affected by our proposed taxes, and I class the bullion traders in my mind at all events in exactly the same way as any other community whose interests are affected by this Bill.

And now, Sir, I do not wish to delay the House any further. The House has shown to us, as I have said before, singular forbearance and singular goodwill ; I only hope that it will now see its way to pass this Finance Bill and to allow us to commit it to another House, with the sure assurance that the Bill in itself, if a not very pleasant piece of measure, is yet a sound piece of legislation on which we need not look back with any misgivings.

**The Honourable the President :** The motion is :

‘ That this Bill, as amended, be passed.’

The motion was adopted.

The Assembly then adjourned till Monday, the 21st March 1921.

## LEGISLATIVE ASSEMBLY.

*Monday, 21st March, 1921.*

The Assembly met in the Assembly Chamber at Eleven of the Clock.  
The Honourable the President was in the Chair.

### QUESTIONS AND ANSWERS.

#### EXPULSION OF PERSONS FROM CANTONMENTS.

497. **Haji Wajihuddin:** Will the Government be pleased to lay on the table a list of persons who have been ordered during the last 2 years to leave Cantonments (within 24 hours from receipt of notice) under sections 215 and 216, Cantonment Code, with reasons of their expulsion?

**Sir Godfrey Fell:** It is regretted that Government are not in possession of the information asked for by the Honourable Member, as expulsion orders under sections 215 and 216 of the Cantonment Code are not communicated to the Government of India.

If the Honourable Member desires to press the matter, the information will be collected from the local military authorities and, when ready, will be laid on the table.

#### PRESIDENT OF THE ASSAM COUNCIL.

498. **Srijut Debi Charan Barua:** (a) Has the attention of the Government of India been drawn to adverse comments in the Press upon the appointment by the Governor of Assam of his father-in-law as the President of the Assam Provincial Legislative Council?

(b) Were the Government of India consulted in the matter of the appointment, and if so, did they approve of it?

**Mr. S. F. O'Donnell:** I would refer the Honourable Member to the reply given to a similar question asked by Rai Bahadur Girish Chandra Nag on March 5th, 1921.

#### INTERESTS OF THE JAIN COMMUNITY.

499. **Mr. Pyari Lal:** (a) Is the Government of India aware that though the Jains numerically form a small community in the country, yet proportionately they contribute to the Indian Exchequer more revenue in the shapes of income-tax, land taxes, etc., than other communities and that their share in the recent war loans was not inconsiderable?

(b) Has the Government made any provision to protect their minority interests in the matter of Reforms, Education or appointments in the Public Services?

(c) Have the Local Governments ever exercised their power of direct appointment to Provincial Executive Services in favour of eligible young men of the Jain Community as they do in case of others?

(1401)



(d) If the answer is in the negative will the Government be pleased to issue necessary instructions in the matter?

**Mr. S. P. O'Donnell:** (a) The Government of India have no information.

(b) The protection of minorities is one of the duties specially imposed on the Governor by his Instrument of Instructions.

As regards the public services the aim of the Government has always been to secure adequate representation for the various communities. Education is now a transferred subject and is therefore a matter which is controlled by the Local Government and the local Legislative Council.

(c) The Government have no information.

(d) The answer is in the negative.

Appointments to the Provincial Executive Services rest exclusively with the Local Government.

#### RAILWAY APPOINTMENTS.

500. **Mr. Jamnadas Dwarkadas:** (a) Will the Government be pleased to state separately the number of employees—Indians and Europeans—on a monthly salary of Rs. 400 and above, in the following Railways under different Departments:

*Railways.*—North-Western, Oudh and Rohilkhand, Eastern Bengal, Great Indian Peninsula, Bombay, Baroda and Central India, Madras and Southern Mahratta, and East Indian.

*Departments.*—Management or Agency, Audit or Examiner of Accounts, Traffic, Locomotive and Carriage, Engineering.

(b) How many men from Roorkee College have been appointed in the superior service by different Railways in their Engineering Departments during the past five years and how many men have been sent by the Accountant General to hold the posts of Assistant Examiners or Assistant Auditors of Railways during the same period?

(c) What facilities are there for preparing recruits for superior service in the Traffic and Locomotive Departments.

**Colonel W. D. Waghorn:** (a) and (b). Statements are placed on the table giving the information desired.

(c) Since 1908 the Railway Board have appointed some 27 young Indians of good education to the Superior Traffic Establishment.

These recruits were taken on as probationary Assistant Traffic Superintendents and required to undergo a two years' course of training in Traffic-working. On passing the prescribed examinations they were confirmed.

The more important of the company-worked railways have also recruited Indians in a similar way.

In view of the progress made in the development of railway working and the advantages which a college training give, it is in contemplation in the future to recruit in India mainly from the passed students of Engineering Colleges.

As regards the employment of Indians in the higher grades of the Locomotive and Carriage and Wagon Departments of Railways, the progress has been slow, so far. This has been due chiefly hitherto to the distaste of educated Indians to undertake manual labour, and to qualify as mechanical engineers. As apprentices are now forthcoming suitable young Indians are encouraged to take up this profession. The Secretary of State has approved a scheme drawn up between the Railway Board and the East Indian Railway regarding the training in India and England of Indians with a view to their appointment to the Superior Locomotive and Carriage and Wagon Departments. As supervising officers must have an up to date knowledge of the latest English machinery and shop practice to be in a position to control their subordinates they require to receive a very thorough training. The scheme provides for Indian graduates to receive training for a year in the workshops in India and thereafter a three years' training in Great Britain. The training of Indians in Great Britain is undoubtedly difficult and to provide mechanical training in India, railways are being induced to work in connection with the Local Governments and to start technical schools along side their workshops and to build hostels for the apprentices. A scheme of this kind is being introduced at Kanchrapara on the Eastern Bengal Railway while the East Indian Railway is also formulating plans for an advanced technical school at Jamalpur for both Europeans and Indians.

(a) *Statement showing the number of employees—Indians and Europeans—on Rs. 400 per mensem and above on the following Railways under different departments.*

Railway.	Management or Agency.		Audit or Account.		Traffic.		Locomotive and Carriage.		Engineering.	
	Indians.	Europeans.	Indians.	Europeans.	Indians.	Europeans.	Indians.	Europeans.	Indians.	Europeans.
North Western . . .	1	8	8	12	12	87	...	145	30	77
Oudh and Rohilkhand . .	...	3	4	4	7	19	...	35	7	27
Eastern Bengal . . .	...	5	6	5	8	51	1	72	17	49
Great Indian Peninsula .	1	11	4	26	4	72	45	335	8	107
Bombay, Baroda and Central India.	...	6	8	17	6	60	4	147	10	53
Madras and Southern Mahratta.	2	5	3	11	4	30	1	74	4	47
East Indian . . .	2	8	4	13	5	109	2	182	11	90
Total .	6	46	37	88	46	428	53	690	87	450

(b) *Statement of men appointed from Roorkee to the superior service in the Engineering Departments of the following railways during the past five years.*

Railways.	Engineering.
North Western . . . . .	9
Oudh and Rohilkhand . . . . .	None
Eastern Bengal . . . . .	1
Great Indian Peninsula . . . . .	4
Bombay, Baroda and Central India . . . . .	3
Madras and Southern Mahratta . . . . .	None
East Indian . . . . .	1
<b>TOTAL</b>	<b>18</b>

The Accountant General has sent no men from Roorkee to hold the posts of Assistant Examiners or Assistant Auditors of Railways during the same period. The Accounts officers of State Railways belong to the Indian Audit Department and are appointed by the Government of India in the Finance Department. The Companies recruit their own accounts officers. The inquiry seems to have been made under some misapprehension.

#### ACCUMULATION OF STERLING IN ENGLAND.

501. **Mr. Jamnadas Dwarkadas:** (a) Is it a fact that very large accumulations of sterling in England prior to 1st January 1920, in the Paper Currency Reserve and the Treasury balances were due to payments by the British Government by sterling credits instead of gold?

(b) What was the total amount of credits received from the British Government from the 1st April 1917 to the 31st December 1920 on account of war operations and war supplies?

(c) What was the actual rupee expenditure in respect of which the above sterling amounts were credited?

(d) At what rate of exchange were these amounts credited from time to time?

(e) Have the Government been able to recover the full rupee amount so spent; if not, do they propose to ask the British Government to make up the deficit so that this country may get the correct amount in rupees that it had spent on behalf of the British Government? If not, why not?

**The Honourable Mr. W. M. Hailey:** (a) The answer is in the affirmative.

(b) The total advances received from the British Government from the 1st April 1917 to the 31st December 1920 on account of expenditure on war operations and war supplies brought to account in India amounted approximately to £258·7 million. It is not possible to give final figures yet as the accounts after 31st March 1920 have not yet been fully adjusted.

(c) The rupee expenditure during the same period in respect of war operations and war supplies, including outlay in England of £21·8 million converted at the appropriate rates of exchange, amounted to Rs. 297 crores.

(d) The accounts of war expenditure recoverable from the British Government in respect of which monthly sterling advances are received by the Secretary of State for India in England, are compiled in India on a sterling basis. The rupee expenditure has been converted into sterling for this purpose at the rate of 1 Re. = 1s. 4d. up to 30th September 1917, at quarterly rates from 1st October 1917 to 31st March 1920 and at monthly rates thereafter. A statement giving these rates is placed on the table which it is hoped will give the Honourable Member the information he requires.

(e) The full rupee amount expended on behalf of the British Government up to the 31st December 1920 has been recovered from that Government on the basis of actual expenditure brought to account up to 31st March 1920 and of estimates of expenditure after that date.

*Statement showing the rates of conversion for adjustment of war expenditure recoverable from the British Government.*

	<i>£.</i>	<i>d.</i>	
1st April to 30th June 1917 . . . . .	1	4	per rupee.
1st July to 30th September 1917 . . . . .	1	4	
1st October to 31st December 1917 . . . . .	1	5	
1st January to 31st March 1918 . . . . .	1	5	
1st April to 30th June 1918 . . . . .	1	5	
1st July to 30th September 1918 . . . . .	1	6	
1st October to 31st December 1918 . . . . .	1	6	
1st January to 31st March 1919 . . . . .	1	6	
1st April to 30th June 1919 . . . . .	1	6	
1st July to 30th September 1919 . . . . .	1	8	
1st October to 31st December 1919 . . . . .	2	0	
1st January to 31st March 1920 . . . . .	2	7½	
April 1920 . . . . .	2	8	
May 1920 . . . . .	2	4	
June 1920 . . . . .	2	2½	
July 1920 . . . . .	2	0	
August 1920 . . . . .	1	11	
September 1920 . . . . .	1	11	
October 1920 . . . . .	1	10½	
November 1920 . . . . .	1	8½	
December 1920 . . . . .	1	8½	

These rates did not apply to expenditure on account of 'pay' for which the rate was 1s. 4d. per rupee.

MEMORIAL FROM THE STAFF OF THE DEPUTY COMMISSIONER, DELHI.

502. **Mr. M. K. Reddiyar :** Will the Government be pleased to state if any memorial has been received from the staff of the Deputy Commissioner of Delhi? If so, what action has been taken?

**Mr. S. P. O'Donnell :** A memorial regarding their pay was received by the Chief Commissioner of Delhi from the staff of the Deputy Commissioner's office in January 1920. As the scale of pay in the local offices in Delhi is assimilated to the scale obtaining in similar offices in the Punjab, the orders

of the Government of India on the Punjab Government's proposals for increasing the pay of their clerical establishments had to be awaited before proposals could be framed for the Delhi offices. In the meantime temporary allowances to alleviate the effect of the general rise in prices have been granted to the Deputy Commissioners as well as to all other local establishments.

#### MEDICAL RESEARCH INSTITUTIONS.

503. **Mr. A. D. Pickford:** (a) What schools of Medical Research or institutions of a kindred nature exist, or are in contemplation in India?

(b) In particular, are any such schools or institutions in existence, or in contemplation in Delhi, Bombay or Bengal, and what are the objects or proposed objects of research in such schools or institutions?

(c) What establishments have been sanctioned by the Government of India and the Provincial Governments for each of the schools or institutions referred to in (b)?

**Mr. H. Sharp:** (a) A beginning has been made with Schools of Tropical Medicine and Hygiene at Calcutta and Bombay. The Secretary of State has sanctioned the complete scheme for the latter; the complete scheme for the former is under consideration. There are also certain research institutions, such as the Central Research Institute, Kasauli, and the King Institute, Guindy. The School of Tropical Medicine and Hygiene at Bombay will be organised as an expansion of the Parel Laboratory. It is also under contemplation to develop the Central Research Institute, Kasauli, into an Institute of pure research situated in a position where clinical material will be available.

(b) The schools and institutions in existence or in contemplation are those mentioned above. The Schools of Tropical Medicine and Hygiene are primarily intended for post-graduate teaching, but medical research will also be prosecuted in them. But any form of medical research which can conveniently be prosecuted in the locality will be carried on in those schools and also in the proposed All-India Research Institute.

(c) The information asked for as regards the Schools of Tropical Medicine and Hygiene in Bengal and Bombay is laid on the table. No establishment has as yet been sanctioned for such an Institute at Delhi. The information as regards the Central Research Institute, Kasauli, is also laid on the table.

*Statement showing the staff of the Central Research Institute, Kasauli, and the Schools of Tropical Medicine and Hygiene, Bombay and Calcutta. (Details of the subordinate and clerical staff are not given.)*

(i) *Central Research Institute, Kasauli.*

Director—

Lieutenant-Colonel W. F. Harvey, D.P.H., I.M.S.

Assistant Directors—

(1) Major S. R. Christophers, C.I.E., O.B.E., I.M.S.

(2) Major F. W. Cragg, M.D., I.M.S.

(3) Captain K. R. K. Iyengar, D.P.H., I.M.S.

Attached Officer—

- (1) Dr. V. T. Korke, M.R.C.P., D.T.M., *plus* subordinate establishment.

(ii) *School of Tropical Medicine and Hygiene, Bombay.*

Establishment sanctioned by the Secretary of State on the 3rd February, 1921 :

- (1) Principal of the School.
- (2) Professor of Clinical Medicine and Therapy.
- (3) „ „ Protozoology.
- (4) „ „ Bio-Chemistry.
- (5) „ „ Entomology.
- (6) „ „ Helminthology.
- (7) „ „ Pathology.
- (8) „ „ Bacteriology.
- (9) „ „ Hygiene.
- (10) Assistant Professor of Clinical Medicine.
- (11) „ „ „ Protozoology.
- (12) „ „ „ Bio-Chemistry.
- (13) „ „ „ Entomology.
- (14) „ „ „ Helminthology.
- (15) „ „ „ Pathology.
- (16) „ „ „ Bacteriology.
- (17) „ „ „ Hygiene.

*plus* subordinate establishment.

(iii) *School of Tropical Medicine and Hygiene, Calcutta.*

Establishment sanctioned by the Secretary of State on the 5th May 1916 :

- (1) Professor of Tropical Medicine and Director of the School.
- (2) „ „ Pathology, Bacteriology and Helminthology.
- (3) „ „ Protozoology and Entomology.
- (4) „ „ Pharmacology.
- (5) „ „ Bio-Chemistry and Serology.
- (6) Five Demonstrators.

*plus* subordinate staff.

The position as regards further staff for this school is indicated in the reply to Question No. 504, given to-day.

#### SCHOOL OF TROPICAL MEDICINE AND HYGIENE, BENGAL.

504. **Mr. A. D. Pickford:** (a) Has the scheme formulated by the Government of Bengal for the establishment of a school of Tropical Medicine been sanctioned in full?

(b) If only sanctioned in part, what modifications have been made?

(c) What salaries, allowances and other conditions have been sanctioned for (i) the Director, (ii) each Professor; and how do the initial emoluments contrast with what the officers selected could be expected to earn in their ordinary appointments?

**Mr. S. P. O'Donnell:** It is understood that the Honourable Member refers to the proposals for the staff of the School of Tropical Medicine in Calcutta which were made by the Government of Bengal in June 1920. This scheme has not yet been sanctioned as the Government of India considered it desirable that the Minister who will be responsible for carrying out the scheme should have an opportunity of fully considering it. Government have accordingly requested that this scheme should be referred to the Minister for his examination and that any recommendation for modification which the Minister may desire should be reported.

Meanwhile, pending the result of this examination the Government of India have telegraphed to the Secretary of State for sanction to a scheme which will provide a staff for the school sufficient to carry on research work and to prepare the way for beginning post-graduate training as early as possible. The orders of the Secretary of State regarding the salaries, allowances and conditions of service of the Director of the School and each Professor are awaited.

#### CENTRAL RESEARCH INSTITUTE.

505. **Mr. A. D. Pickford:** With reference to what the Honourable Major-General Edwards said in a speech delivered in the Council of State on the 16th February 1921, will Government be pleased to say:

- (a) What work a Central Research Institute would carry out, which could not be conducted at either the Bombay or Calcutta Schools of Tropical Medicine?
- (b) What funds, if any, have been allotted for the project in Delhi in each of the financial years 1915-16 to 1920-21, inclusive, and what amounts have been spent during each of these years?
- (c) What unspent balance, if any, remains at the disposal of the Government of India in connection with that project?

**Mr. H. Sharp:** (a) It is impossible to demarcate with accuracy the spheres of work to be undertaken by different Institutes of Research. The advantage of clinical material at hand is fully realised and the scheme which has been formulated for the All-India Research Institute, should it be situated at Delhi, will make ample provision for clinical material, which will not necessarily be drawn solely from the city in which the Institute is situated. The idea of instituting an All-India Research Institute was unanimously agreed upon by a Conference of specialists summoned by Sir Sankaran Nair in 1918 and this opinion was re-affirmed by another Conference of experts in 1919. Both these Conferences included research specialists from different provinces. The first conference included Sir Leonard Rogers and Dr. Bentley from Calcutta and Lieutenant-Colonel Glen Liston and Dr. Turkhud from Bombay. The second included Dr. M. N. Banerjea and Dr. Bentley from Calcutta and Lieutenant-Colonel Row from Bombay. Acting on this strong recommendation, the Government of India requested the services of a first-class specialist

to examine the question. They were fortunate enough to secure the services of Professor E. H. Starling, C.M.G., F.R.S., Jodrell Professor of Physiology in University College, London, who came to India in the first part of 1920 and made an extensive tour through India. As the result of his investigations, he considered that the Schools of Tropical Medicine at Calcutta and Bombay were required for the local needs of the provinces, their prime object being the training of men in the methods of research. He considered it inadvisable to withdraw either of these Institutes from its local attachments and interests so as to make it an All-India Research Institute and he definitely and strongly recommended the establishment of an All-India Research Institute at Delhi in close co-operation with the existing Institute at Kasauli. The main object of such an All-India Research Institute would be original research apart altogether from post-graduate training or training in hygiene.

(b) The funds which have been allotted and have been voted for the Central Research Institute at Kasauli are shown in the Demands for Grants under Public Health. It may, however, be stated that the cost of the Research Institute at Kasauli is more than covered by the sale proceeds of vaccines. No Government funds, as such, have been allotted for the development of this scheme at Delhi in the years mentioned in the question. But certain savings from the annual grants from Imperial revenues, which were not expended during the war, have been placed in a central fund and invested for an endowment or for capital expenditure upon these institutions. The promise has also been obtained of a large private endowment for this Institute.

(c) The only funds which are at disposal in connection with this project are the savings alluded to in the answer to (b) above, which have been made over to the Indian Research Fund Association and are held by that Association as an excluded or central fund and have been invested. The amount is approximately 23½ lakhs. This balance is held quite apart from the general revenues of the Government of India.

**The Honourable the President:** When a question requires a long answer, I think it will be to the convenience of everybody concerned if a very brief resume of the answer is read aloud to the Assembly and the rest put in for publication in the official report.

#### SCHOOLS FOR MEDICAL RESEARCH.

506. **Mr. A. D. Pickford:** (a) Has the Government of India considered the desirability of concentrating its efforts and resources and those of the Provincial Governments on schools or institutions for Medical Research already in existence or about to commence work, before initiating fresh projects?

(b) Is any alteration contemplated in the work, staff or buildings of any existing Research Institution?

**Mr. H. Sharp:** (a) The Government of India are initiating no new project. The scheme under contemplation for an All-India Research Institute, is the logical development of the first intention involved in the creation of the Central Research Institute at Kasauli. The Central Institute at Kasauli was founded over 15 years ago as an Institute of Research. During the war it turned its attention mainly to the production of vaccines and sera. This fact involves no permanent departure from its original intention. Kasauli however



is unfortunately situated as regards the provision of clinical material and for that reason the further extension of the work is contemplated at Delhi or some such centre. The Schools of Tropical Medicine at Calcutta and Bombay are of later growth. The expert opinion of Professor Starling was to the effect that an All-India Research Institute at Delhi would still be necessary notwithstanding the existence of the schools at Calcutta and Bombay. The Government of India are glad to find that his opinion coincides with the policy of encouragement which they have extended towards these schools by way of substantial grants, etc.

(b) As indicated in the previous replies, it is intended to develop the Parcel laboratory into the Bombay School of Tropical Medicine and Hygiene and the Secretary of State has sanctioned that scheme in its entirety. It is hoped to carry out a scheme for a School of Tropical Medicine and Hygiene in Calcutta, and the Government of India have strongly supported to the newly organised Government of Bengal the proposal which had already been submitted to them. It is also hoped to extend the work previously undertaken in the Central Research Institute at Kasauli by the establishment in connection with that Institute of an All-India Medical Research Institute in a more favourable location. It is not the intention of the Government of India that this last proposal should in any way interfere with the development of the schools in Calcutta and Bombay. But the Government of India cannot feel themselves bound by the development of these schools radically to alter the intentions underlying the original establishment of the Central Research Institute, Kasauli.

#### CONDUCT OF THE DELHI ELECTIONS.

507. **Mr. Muhammad Faiyaz Khan :** (a) With reference to my last Question No. 97, will the Government be pleased to state if the attention of the Government has been drawn to the statement of Mr. Asaf Ali, published in the *Independent* (Allahabad), dated 26th February 1921, page 9, column 3, headed 'Bureaucratic Veracity unmasked' and the article *Kya Council main galat jawab deay jatay hain* published in the *Fateh* (Delhi), dated 6th March 1921, page 2, column 3, in which it is stated that the Provincial Congress Committee is in possession of a photograph of the actual order issued to the ignorant rural voters ostensibly by the authority of the Revenue Officers of Delhi as a warning that legal liability rested on them if they did not vote at the last election?

(b) If this statement is true, will the Government be pleased to state if it contemplates taking any action against the Revenue Officer of Delhi for this act; if not, why?

**Mr. S. P. O'Donnell :** The Government of India have seen the statement referred to and take this opportunity of stating the facts. A patwari whose charge consisted of two villages containing 3 voters, received on the 5th December a copy of the general notice to registered voters informing them that the election took place on the 6th. The patwari took endorsements on the notice from the two of the three voters who lived in his own village, but as time was short sent a separate notice to the third voter. This notice informed the voter that he should appear to vote on the 6th at Delhi Sadar Bazar and added the caution customary in revenue notices that he should not be careless as otherwise legal steps would be taken. The Revenue Assistant had nothing

to do with the matter, and the explanation of the incident is the patwari's anxiety to carry out the order to inform all electors in his village of the date and place of the election. This is the only instance so far as is known of the kind, and Government propose to take no action.

MEDICAL ARRANGEMENTS AT RAISINA.

508. **Sir Frank Carter :** (a) Are Government aware that there are no medical facilities for residents at Raisina ?

(b) Will the Government state what steps they are taking to remedy this ?

**Mr. S. P. O'Donnell :** There are one Military Assistant Surgeon and two Sub-Assistant Surgeons living at Raisina. Government will consider whether any further facilities are required.

INCONVENIENCES ON THE GREAT INDIAN PENINSULA RAILWAY.

509. **Mr. Abdul Qadir :** (a) Are not the Government aware that no Intermediate class carriages or compartments are provided in the passenger trains on Great Indian Peninsula Railway lines ?

(b) Are the Government aware that the absence of such accommodation in passenger trains is causing great inconvenience to middle class people ?

(c) Are the Government aware of the fact of the absence of water closets in third class carriages of the passenger trains on Great Indian Peninsula Railway lines and of the consequent inconvenience to the passengers ?

(d) Do Government propose to take the necessary action to remove these inconveniences as early as possible ?

**Colonel W. D. Waghorn :** (a) and (b). Intermediate class accommodation is provided on all Great Indian Peninsula Railway Mail and Express trains except the Punjab Mail. Until additional stock can be obtained intermediate class accommodation could only be provided on other trains by reducing the third class accommodation which is already taxed to its utmost capacity, and it is not considered desirable to do this.

(c) Lavatories are provided in all bogie third class carriages on main line passenger trains and in a proportion of the four-wheeled stock on branch line services. Fitting of the remainder of the latter is progressing as quickly as funds and opportunity of withdrawal from the train service permit.

(d) As will be seen from the replies to (a), (b) and (c), action which is possible at present is being taken.

MEMORIAL TO THE GOVERNMENT OF INDIA.

510. **Mr. M. K. Reddyar :** (a) What is the practice about dealing with the advance copies of memorials submitted to the Government of India in cases where the memorial itself is submitted through the local authority ?

(b) What is the remedy prescribed by rules in cases where a memorial submitted by any person to the Right Honourable the Secretary of State for India or the Government of India is withheld by the local authority arbitrarily, or not transmitted without any proper reason as provided in the rules ?

(c) Do the Government propose to make clear rules on the subject, if they are not sufficiently clear and definite ?

**Mr. S. P. O'Donnell:** (a) No action is ordinarily taken on advance copies of memorials received by the Government of India.

(b) Under the rules, Local Governments are required to forward quarterly to the Government of India lists of memorials withheld by them, specifying the reasons for their action. These lists, when received, are scrutinized to see whether the action of the Local Governments in withholding a memorial is in accordance with the discretionary power vested in them under the rules. Similarly, lists of memorials addressed to the Secretary of State and withheld by any Government in India are also forwarded to the India Office by the Government of India.

(c) The Government of India consider that the present rules on the subject are sufficiently clear and definite.

#### RATES OF PAY FOR THE I. M. D.

**511. Lieutenant-Colonel H. A. J. Gidney:** (a) Is it a fact that the increased rates of pay for the I. M. D. date only from April 1st, 1920, whereas almost all other similar departments have had their increases dated from a much earlier date?

(b) Can the Government assign any valid reason for this distinction and treatment of a most deserving body of men?

(c) Has the Government taken any steps to remedy this grievance, and, if so, what steps have they taken?

(d) Can the Government give any definite information as to the new rates of furlough pay and pensions of the I. M. D.?

**Sir Godfrey Fell:** (a) The answer is in the affirmative.

(b) The rates of pay in certain other military departments were revised in consequence of the revision of the rates of pay of the British Army, from which members of those Departments are drawn, and the date of the latter revision had therefore to be adopted. As the I. M. D. is locally recruited, the same considerations do not apply.

(c) No.

(d) The orders regarding furlough pay were published in Army Instruction (India) 998 of 1920, a copy of which will be sent to the Honourable Member.

The pension rates are still under consideration.

#### I. M. D. AND FREE QUARTERS.

**512. Lieutenant-Colonel H. A. J. Gidney:** Do the Government propose to consider the advisability of reconsidering the orders by which large numbers of the I. M. D. have been deprived of free quarters, or even any allowance or facilities for quarters, whereas all other warrant ranks have quarters given or allotted to them? If not, why not?

**Sir Godfrey Fell:** Government do not propose to reconsider the orders referred to. Free quarters are still admissible to those Assistant Surgeons whose duties require them to live in particular quarters in order to be near their work. Warrant ranks of all other departments pay rent for any accommodation allotted to them.

APPLICATIONS FOR STUDY LEAVE FROM THE I. M. D.

**513. Lieutenant-Colonel H. A. J. Gidney:** Will the Government give the total number of applications from the I. M. D. for study leave during the past five years, and also state the number of such applicants that have been granted this leave?

**Sir Godfrey Fell:** On the civil side the figures are as follows:

Number of applications received, 6.

Number of applicants granted study leave, 3.

With regard to the Assistant Surgeons in Military employ, the number of applications received since September 1919 is 30, out of which 6 were sanctioned.

Study leave was in abeyance from August 1914 to September 1919.

DISCONTENT IN THE I. M. D.

**514. Lieutenant-Colonel H. A. J. Gidney:** (a) Is the Government aware of the widespread discontent and resentment felt by all ranks of the I. M. D. regarding the manner in which they are employed in British Hospitals, *viz.*, the senior men are, for all practical purposes, looked upon and employed as Head Clerks of the Hospital Offices, the junior men as glorified compounders and dressers?

(b) What steps does the Government intend to take to remedy this treatment of a body of qualified men?

**Sir Godfrey Fell:** (a) Government are not aware of the discontent and resentment referred to by the Honourable Member. It is not the case that members of the I. M. D. are regarded or employed as Head Clerks or glorified compounders in British Hospitals.

(b) This part of the question does not arise.

PAY OF THE I. M. D. MEN IN CIVIL EMPLOYMENT.

**515. Lieutenant-Colonel H. A. J. Gidney:** (a) Is the Government aware of the fact that in some provinces the pay of I. M. D. men holding civil employments and posts has not been increased at all since about the year 1870?

(b) Is the Government aware that in other provinces the pay of such appointments has not been raised since 1914?

(c) If such a state of affairs exists what steps, if any, does the Government propose to take to remedy it?

**Mr. S. P. O'Donnell:** The emoluments of Military Assistant Surgeons in civil employ are generally fixed at the pay of their rank in military employ, *plus* the allowances attached to the post which they hold. Orders have already been issued sanctioning the application of the new military rates of pay to Military Assistant Surgeons in civil employ with effect from the 1st April 1920. There remain the cases of Military Assistant Surgeons in independent medical charge of civil stations. The pay of these officers is given in Article 143 of the Civil Service Regulations. The rates there specified were first fixed in 1867 and there have been few changes in them since that date.

A substantial concession was however granted in 1916 when officiating service was allowed to count for purposes of the quinquennial increments shown in the scale in that article on the same basis as substantive service. It is expected that orders revising the pay of Military Assistant Surgeons in independent medical charge of civil stations will issue shortly.

#### I. M. D. OFFICERS IN MILITARY HOSPITALS.

516. **Lieutenant-Colonel H. A. J. Gidney:** Is the Government prepared to give an assurance that in future, in military hospitals I. M. D. officers will not be called upon to serve as subordinate to R. A. M. C. or I. M. S. officers of junior rank?

**Sir Godfrey Fell:** Under existing regulations, command cannot be given to a R. A. M. C. or I. M. S. officer over an officer of the I. M. D., whose commission confers no military command, if the latter is of superior rank.

On the rare occasions when, owing to the exigencies of the service, I. M. D. officers may be called on to serve in military hospitals with officers of the R. A. M. C. and Indian Medical Service who are junior to them in rank, an officer of the I. M. D., who is not a registered practitioner under the Medical Act, must, as regards all technical matters, be subordinate to the commissioned medical officers of the R. A. M. C. or I. M. S., on whom the responsibility for the medical care of the patients in hospital rests.

#### INCLUSION OF THE I. M. D. IN THE TERM 'MEDICAL OFFICER.'

517. **Lieutenant-Colonel H. A. J. Gidney:** Do the Government propose to order that in future Government communications, orders and circulars of any description whatsoever, the term 'Medical Officer' will include commissioned officers of the I. M. D. and not only officers of the I. M. S. and R. A. M. C. If not, why not?

**Sir Godfrey Fell:** Government regret that it is not possible to adopt the suggestion. The Royal Warrant for the I. M. D. specifically lays down that members of that Department exercise their authority 'under medical officers', from which it is clear that the designation 'Medical Officer' does not include members of the I. M. D.

#### INITIAL PAY IN THE I. M. D.

518. **Lieutenant-Colonel H. A. J. Gidney:** (a) Does the Government realise that the initial pay of an I. M. D. man holding the warrant rank of sub-conductor is less than that of a sergeant in the Ordnance or Supply and Transport, and is Government prepared to remedy this state of affairs without reducing the initial warrant rank of the I. M. D. man?

(b) Will the Government state how the initial pay of an I. M. D. man compares with the pay, allowances, clothes, food and other emoluments of a private in a British regiment, and will the Government say definitely in whose favour such a comparison results and to what extent?

**Sir Godfrey Fell:** (a) It is not true that the initial pay of an Assistant Surgeon of the I. M. D. is less than that of a sergeant of the Indian

Ordnance Department or Supply and Transport Corps, but if the concessions in kind admissible to the latter are taken into account, then it is true that the emoluments of the I. M. D. man are less than those of the departmental sergeant.

I would, however, point out that the Assistant Surgeon is young—about 21 or 22 – and inexperienced when he joins, while the departmental sergeant has usually some 8 to 12 years' regimental service before joining a department; he is therefore considerably older.

(b) The initial pay drawn by a member of the I. M. D. compares very favourably with the pay, allowances, etc., received by a private in a British regiment, as the following figures show :

The initial pay of an Indian Medical Department man is Rs. 200 per mensem, whereas the total emoluments of a private in a British regiment, on enlistment, amount to Rs. 115-12-0 a month.

**Lieutenant-Colonel H. A. J. Gidney:** May I ask a supplementary question, Sir? The Honourable Member just compared a private's pay with that of an I. M. D. man. May I ask if the private's pay includes rations?

**Sir Godfrey Fell:** The figure of Rs. 115-12-0 which I have just given includes pay, and the cash value of rations, clothing, quarters, and so on.

**Rao Bahadur T. Rangachariar:** What is the reason for maintaining the Indian Medical Department separate from the Provincial Medical Service?

**The Honourable the President:** That hardly arises out of the question. The question is one which even Sir Godfrey Fell would require some time to consider.

#### APPOINTMENT OF OFFICERS OF THE I. M. D. IN THE I. M. S. AND R. A. M. C.

519. **Lieutenant-Colonel H. A. J. Gidney:** (a) How many men in the I. M. D. are in possession of British registrable medical qualifications?

(b) Were any commissions, temporary or permanent, in the I. M. S. and R. A. M. C. given to any such qualified men in the I. M. D. during or after the war?

(c) If no such commissions were offered even after the war, will the Government be pleased to state why the claims of such men belonging to a most deserving class, were overlooked, whilst many Civil Assistant Surgeons of inferior professional qualifications and experience have been and are so employed?

(d) Is the Government prepared to consider the advisability of annually recruiting at least 10 per cent. of vacancies in the I. M. S. and R. A. M. C. from selected men in the I. M. D. as has lately been resolved upon in this Legislative Assembly regarding the Provincial Civil Service and the I. C. S.?

**Sir Godfrey Fell:** (a) Eleven.

(b) Five of these were granted temporary commissions in the I. M. S. No permanent commissions have been granted to members of the I. M. D. No commissions, permanent or temporary, in the R. A. M. C. have been granted to members of the I. M. D.

(c) This question does not arise.

(d) The Government of India are not concerned with recruitment for the R. A. M. C., which is a purely British Service. As regards the I. M. S., Government are not prepared to reserve a percentage of appointments for members of the I. M. D. Applications for commissions in the I. M. S., from such members of the I. M. D. as possess medical qualifications registrable in the United Kingdom and are otherwise suitable, will, however, be considered.

#### PENSIONS FOR WIDOWS AND CHILDREN OF I. M. D. MEN.

520. **Lieutenant-Colonel H. A. J. Gidney:** (a) What are the present pension rates given to widows and children of the I. M. D.?

(b) Is the Government aware of the great hardships and privations, amounting almost to starvation, endured by the widows and children of I. M. D. men of all ranks on account of the mere pittance of pensions they are now in receipt of?

(c) Will the Government be pleased to state if they intend to take any steps to remedy this state of affairs by increasing the pensions of these widows and children?

**Sir Godfrey Fell:** (a) I will furnish the Honourable Member with a statement giving the existing rates of pension for the widows and children of members of the I. M. D.

(b) Government have received a few applications from individuals for higher pensions, on the score that the rates are insufficient having regard to their circumstances and to the present cost of living, but they have no reason to believe that these pensions, which are the same as those admissible to the widows and children of departmental and Warrant officers of the other Departmental Services, such as the Supply and Transport, the India Unattached List, etc., are generally regarded as inadequate.

(c) The rates of pension for widows and children of commissioned ranks have only recently been revised and Government are not prepared to increase them. The ordinary rates of pension for widows and children of Warrant officers of departments of the Indian Services, including the I. M. D. have recently been sanctioned and orders will be published shortly.

#### DISCONTENTMENT IN THE I. M. D.

521. **Lieutenant-Colonel H. A. J. Gidney:** (a) Is the Government aware that all ranks of the I. M. D. are very discontented on account of various causes well known to the Government and what steps do Government intend to take to remedy the condition of a body of men who belong to a community who have for over a century rendered loyal and yeoman service to the Government?

(b) Is the Government prepared to appoint a small committee of inquiry into this state of affairs?

**Sir Godfrey Fell:** (a) Government are not aware that all ranks of the I. M. D. are very discontented. They have, however, received memorials from members of the I. M. D. praying for certain concessions, and these memorials are under consideration. The Honourable Member is no doubt aware that very considerable improvements have been made in the pay of Military Assistant Surgeons with effect from the 1st April 1920. In 1915, their rates of pay ranged from Rs. 100 a month to Rs. 450 a month. They now range from Rs. 200 a month up to Rs. 700 a month.

(b) Government see no necessity to appoint a committee of inquiry as suggested by the Honourable Member.

**Lieutenant-Colonel H. A. J. Gidney:** The Honourable the Military Member told us that the memorials are under consideration. May I ask him how long they have been under consideration?

**Sir Godfrey Fell:** I am afraid I cannot answer that question definitely. The matter will be dealt with as soon as possible.

#### RESOLUTION RE MARTIAL LAW ADMINISTRATION.

522. **Rao Bahadur T. Rangachariar:** (a) Will the Government be pleased to state whether they have taken any action to give effect to the various clauses of the Resolution passed in the Legislative Assembly on the 15th February last, re Martial Law Administration in the Punjab, and, if so, state what action they have taken?

(b) If no action has been taken, will the Government be pleased to state whether they propose taking any action, and, if so, when?

(c) Do the Government propose to give wide publicity to the action they have taken or propose to take on the said Resolution?

**Mr. S. P. O'Donnell:** Copies of the report of the debate have been sent to all Provincial Publicity officers and arrangements are being made for the circulation broadcast of abstracts of the speeches made during the course of the debate. The Punjab Government have been addressed regarding the grant of monetary relief on the lines indicated in the speech of the Honourable Home Member.

#### SALT IN INDIA.

523. **Mr. Manmohandas Ramji:** (a) Will Government be pleased to state what quantity of salt was imported into India from foreign countries annually during last ten years?

(b) Are there no further facilities to produce more salt in this country than at present?

(c) Is Government in a position to state why foreign salt can compete with locally produced salt even after paying heavy freight charges?

**The Honourable Sir Thomas Holland:** (a) The Honourable Member's attention is invited to the statement laid on the table in answer to a similar question asked by the Honourable Mr. Braja Sundar Das on the 5th March 1921.



(b) I would refer the Honourable Member to the same answer in which the steps taken by Government to increase the output of salt in Madras, Bombay, Bengal and Burma were indicated. In Northern India various projects for the improvement of the brine supply at the Rajputana sources and of excavation of rock salt at the Mayo Salt Mines at Khewra and for the introduction of mechanical devices for the haulage, transport and storage of salt at these sources have already been sanctioned or are under consideration. The total cost of these schemes is estimated at 33 lakhs, and when the proposed improvements are carried out it is expected that the outturn will considerably increase. The average annual production of salt in Northern India in the last quinquennium shows an increase of 20,49,000 maunds or 19 per cent. over the previous quinquennium, the corresponding figures for the rest of India being 30,34,000 maunds or 12 per cent. increase, and it will thus be seen that necessary steps for the encouragement of the salt industry are already being taken by Government, and such further steps as may be possible to increase the output of salt will be taken as funds become available.

(c) Foreign salt does not pay heavy freight charges. It is imported as ballast or at nominal rates and to the ports of Calcutta and Rangoon which are situated at a considerable distance from the Indian salt sources. The Honourable Member will find this question fully discussed in the proceedings of the debate that took place in the Indian Legislative Council on the 10th March 1920 on a Resolution moved by the Honourable Mr. Sarma.

#### PAY OF THE STAFF ON THE EASTERN BENGAL RAILWAY.

524. **Rai J. N. Majumdar Bahadur:** (a) What were the scales of pay in force in the year 1914 for each of the following classes of staff on the Eastern Bengal Railway :

Station Masters, Assistant Station Masters, Guards, Booking Clerks, Goods Clerks, Signallers, Ticket Collectors, and Trains and Transhipment Clerks ?

(b) What are the scales of pay at present in force for each of these classes ?

(c) What is the average percentage of increase in each case ?

(d) Are not the duties of Station Masters and Assistant Station Masters more 'technical' and responsible in their nature than those of the other classes referred to in (a) ?

**Colonel W. D. Waghorn:** (a), (b) and (c). Statements marked 'A' and 'B' giving the information asked for are placed on the table.

(d) It is difficult to compare the degree of responsibility of the different classes of staff. Each class has its own particular responsibilities and these vary with the volume and nature of traffic to be dealt with, the nature of the work to be performed, whether the work is continuous or intermittent, etc., etc. The sanctioned rates of pay are fixed with reference to these various considerations.

EASTERN BENGAL RAILWAY.

STATEMENT 'A.'

Designation.	Pay in 1914.		
	Rs.		
Station Masters (European) . . .	250	300	35
Assistant Station Masters (European)	200	225	
Station Masters (Indian) . . .	$\left\{ \begin{array}{l} 35-38-41-45 \\ 50-55-60-65 \\ 80-86-93-100 \end{array} \right.$		
Assistant Station Masters (Indian)	$\left\{ \begin{array}{l} 30-32 \\ 35-36-41-45 \\ 50-55-60-65 \\ 80-86-93-100 \end{array} \right.$		
Signallers	$\left\{ \begin{array}{l} 20-22-26 \\ 30-33-36-40 \\ 50-55-60-65 \end{array} \right.$		
	$\left\{ \begin{array}{l} 15-17-20 \\ 25-27-30 \end{array} \right.$		
Station Transhipment and Goods Shed Clerks and Ticket Collectors.	$\left\{ \begin{array}{l} 35-37-40-45-50-55 \\ 60-65-70-80-85-90 \\ 100-110-120 \end{array} \right.$		
Guards	$\left\{ \begin{array}{l} 20-25-29-33-37-41-45 \\ 50-55-60-65-70-75 \\ 85-95-105-115-125 \\ 130-140-150 \end{array} \right.$		

## EASTERN BENGAL RAILWAY.

## STATEMENT ' B. '

Designation.	Pay in 1920.	Percentage increase.
	Rs.	
(1) Station Masters . . . . .	200—10—250	In 1914 there was no fixed progressive scale of pay as at present and records of 1914 are not available. The percentage of increase cannot accordingly be given.
(Important Stations). . . . .	{ 300—10—400	
	{ 420—20—500	
(2) Assistant Station Masters (Important Station) . . . . .	280—10—330	
	{ 52—4—80	60 per cent.
	{ 85—5—120	39 „
(3) Station Masters . . . . .	Special :—	
	{ 130—10—170	New scale.
	{ 40—4—70	61 per cent.
(4) Assistant Station Masters . . . . .	{ 80—5—95	62 „
	{ 100—5—120	23 „
	{ 30—4—70	72 „
(5) Signallers . . . . .	{ 75—5—115	60 „
	{ 120—10—170	New scale.
	{ 20—1—28	41 per cent.
	{ 30—2—40	29 „
(6) Station Transhipment and Goods Shed Clerks.	{ 30—4—70	16 „
	{ 75—5—110	27 „
	{ 115—10—145	18 „
(7) Guards . . . . .	{ 40—5—100	52 „
	{ 100—10—210	31 „
	{ 32—4—60	29 „
	{ 65—5—90	20 „
(8) Ticket Collectors . . . . .	{ 95—5—120	23 „
	{ 130—10—160	20 „
	{ 160—10—250	96 „

INCREASE OF PAY IN THE EASTERN BENGAL RAILWAY.

525. **Rai J. N. Majumdar Bahadur:** Will the Government be pleased to state whether :

(i) the Station Masters and Assistant Station Masters on the Eastern Bengal Railway are allowed the same percentage of increase in pay as is given to Signallers, Ticket Collectors, etc. ?

(ii) and, if not, whether it is proposed to increase the scales of pay of Station Masters and Assistant Station Masters so as to place these classes on an appreciably better footing than the Guards, Booking Clerks, Goods Clerks, etc. ?

**Colonel W. D. Waghorn:** (i) and (ii). The percentages of increase are given in statement 'B' which has already been placed on the table in reply to information called for in the previous questions.

The scales introduced with effect from 1st April 1920 are in all cases a considerable improvement on the scales previously obtaining and there is no present intention of further increasing the scale of pay of Station Masters and Assistant Station Masters.

PAY, NATIONALITY AND NUMBER OF THE STAFF IN THE EASTERN BENGAL RAILWAY.

526. **Rai J. N. Majumdar Bahadur:** (a) What is the total number of Station Superintendents, Station Masters, Assistant Station Masters, Yard Masters and Assistant Yard Masters drawing salaries of above Rs. 150 per mensem, at present in the service of the Eastern Bengal Railway ?

(b) How many of these are Indians ?

(c) What is the total number of Station Masters and Assistant Station Masters drawing salaries not exceeding Rs. 150 per mensem, at present in the service of the Eastern Bengal Railway ?

(d) How many of these are Europeans and Anglo-Indians ?

(e) How many out of the total number referred to in (c) are in receipt of salaries exceeding Rs. 100 per mensem ?

**Colonel W. D. Waghorn:** (a) 51 ; (b) 3 ; (c) 1,001 ; (d) none ;

(e) There are 74 in grades the maximum pay of which is above Rs. 100.

• INDIAN STATION MASTERS ON THE EASTERN BENGAL RAILWAY.

527. **Rai J. N. Majumdar Bahadur:** (a) Are the Government aware that the important transshipment junctions of Khulna and Serajganj Ghat on the Eastern Bengal Railway are in charge of Indian Station Masters and that their management of these stations has been thoroughly efficient and satisfactory ?

(b) If so, will Government be pleased to state whether it will issue orders for the appointment of a larger proportion of Indians to the higher grades of Station Masters and Assistant Station Masters ?

**Colonel W. D. Waghorn:** (a) The transshipment stations of Khulna and Serajganj are in charge of Indian Station Masters who are giving satisfaction in the discharge of their duties.

(b) There is nothing to prevent a larger number of Indians being appointed to the higher grades of Station Masters if and when there are men considered suitable for advancement.

## PAY OF INDIAN STATION MASTERS ON THE EASTERN BENGAL RAILWAY.

528. **Rai J. N. Majumdar Bahadur :** (a) Is it a fact that on the Eastern Bengal Railway separate scales of pay are laid down for European and Anglo-Indian Station Masters and Assistant Station Masters, and that the minima fixed for European and Anglo-Indian Station Masters and Assistant Station Masters are approximately five times as much as those prescribed for Indian Station Masters and Assistant Station Masters ?

(b) Will Government be pleased to state the scales of pay in force on the Eastern Bengal Railway for European and Anglo-Indian Station Masters and Assistant Station Masters, and Indian Station Masters and Assistant Station Masters, respectively.

(c) If there is any distinction in the scales of pay of European and Indian Station Masters and Assistant Station Masters, will Government be pleased to state whether it will issue orders that these distinctions be removed ?

(d) Is it a fact that European and Anglo-Indian Station Masters and Assistant Station Masters on the Eastern Bengal Railway are not required to pass an examination in telegraphy, whereas with Indian Station Masters and Assistant Station Masters, the passing of such examination is compulsory ?

(e) If so, will Government be pleased to state whether it will issue orders making it compulsory for all Station Masters and Assistant Station Masters to pass the required examination in telegraphy before being appointed to either of these capacities ?

**Colonel W. D. Waghorn :** (a) (b) and (c). All Station Masters and Assistant Station Masters whether Indian or European are paid in accordance with the class of station at which they are employed and the class of work performed. The scales of pay at present in force on the Eastern Bengal Railway for Station Masters and Assistant Station Masters are given in the Statement ' B,' which I have placed on the table.

(d) The reply is in the affirmative. At small stations a Station Master or Assistant Station Master is often his own signaller.

(e) The reply is in the negative. Such an order is not considered necessary as Europeans are only employed at large Stations which have the services of telegraph staff.

## STAFF ON THE EASTERN BENGAL RAILWAY.

529. **Rai J. N. Majumdar Bahadur :** (a) What is the total number of each of the following classes of staff at present in the service of the Eastern Bengal Railway :

Transportation Inspectors, Traffic Inspectors, Assistant Traffic Inspectors, Train Controllers, Assistant Train Controllers, Transshipment Inspectors, Ghat Inspectors, Platform Inspectors, Luggage Inspectors, Travelling Ticket Inspectors, Goods Supervisors, Claims Inspectors and Assistant Claims Inspectors ?

(b) What are the existing scales of pay for each class ?

(c) What is the total number of Indians employed in each class ?

(d) Is it a fact that in appointing men to the classes of posts referred to in (a), outsiders with little or no railway experience are often selected, while claims of qualified Indians who have put in long service in the Department, are ignored ?

(e) Is it a fact that junior European and Anglo-Indian guards with little or no experience in station duties are put on to officiate in the higher appointments, e.g., Traffic Inspector, Train Controller, etc., in preference to qualified and senior Indian Station Masters?

(f) Is it a fact that during the years 1919 and 1920, the Eastern Bengal Railway Administration appointed two outsiders as Traffic Inspectors on an initial salary of Rs. 300 each thereby completely overlooking the claims of senior and qualified men working in the Department?

(g) Will the Government be pleased to state whether it is going to take such steps as will put a stop to the importation of outsiders to fill vacancies in the classes of posts referred to in (a)?

**Colonel W. D. Waghorn:** (a), (b) and (c). A statement giving the information asked for is placed on the table.

(d) The answer is in the negative. A few outsiders have been appointed from time to time but they have usually been men of experience gained on other railways.

(e) and (f). The answer is in the negative. Two outsiders—a European and an Indian—were however appointed as Traffic Inspectors on Rs. 250 and £200 respectively in 1919. The European was a man of experience gained on other railways.

(g) Outsiders have only occasionally been appointed in the past and there is no intention of bringing in men from outside save for good and special reasons.

*Statement showing the total number of each of the following classes at present in the service of the Eastern Bengal Railway and the existing scales of pay for each class.*

Designation.	Number	Scale of pay.	Total number of Indians employed.
		Rs.	
Transportation Inspectors . . . . .	5	300—20—500	{ Nil 2
Traffic Inspector . . . . .	16		
Assistant Traffic Inspectors . . . . .	...	Nil	Nil
Train Controllers . . . . .	3	300—10—350	1
Assistant Train Controllers . . . . .	...	Nil	Nil
Transshipment and Ghat Inspectors . . . . .	9	{ A. 150—10—200 B. 220—10—300 Spl. 320—10—350	1
Platform Inspectors . . . . .	2	200—10—300	
Luggage Inspectors . . . . .	2	{ 160—10—280 100—10—150	2
		{ 65—5—80 80—7—150	
Travelling Ticket Inspectors . . . . .	38	{ 160—10—210 450 (Sub-Officer in charge.)	7
Goods Supervisors . . . . .	8	{ A. 150—10—200 B. 300—10—400 C. 420—20—500	5
Claims Inspectors and Assistant Claims Inspectors.	16	{ A. 150—10—180 B. 200—10—280 C. 300—20—400	7

## CONTRIBUTION TO SCHOOLS BY THE EASTERN BENGAL RAILWAY.

530. **Rai J. N. Majumdar Bahadur :** (a) Is it a fact that the Eastern Bengal Railway Administration pays a monthly subscription towards the up-keep of schools in the Plains at the rate of Rs. 2 per child, in the case of schools attended by children of European and Anglo-Indian employees, and 8 annas only per child in the case of schools attended by children of Indian employees ?

(b) If so, will Government be pleased to state the reasons for treating the Indian Schools differentially ?

(c) Is it a fact that the Eastern Bengal Railway Administration grants regular monthly assistance to European and Anglo-Indian employees for the education of their children in Hill schools ?

(d) What is the amount of assistance given by the Railway for each child receiving education in a Hill school and what are the rules and conditions under which such assistance is given ?

(e) Is it a fact that the assistance referred to in (c) and (d) which was hitherto only restricted to Hill schools has since been extended to schools in the Plains in the case of European and Anglo-Indian employees only ?

(f) What was the number of European and Anglo-Indian employees at the end of the year 1920 who received the assistance referred to in (c) and (d), but whose children received education in schools in the Plains ?

(g) What expenditure was incurred out of the revenues of the Eastern Bengal Railway on account respectively of (i) contributions granted to Indian schools, (ii) contributions granted to European schools, and (iii) school assistance granted to European and Anglo-Indian employees during each of the years 1915-16, 1916-17, 1917-18, 1918-19 and 1919-20 ?

**Colonel W. D. Waghorn :** (a) and (c). The reply to both questions is in the affirmative.

(b). The difference in the rate is due to the difference in the cost of education.

(d) The amount varies according to the rate of pay drawn by the employee. A copy of the rules is placed on the table.

(e) Yes, to boarding schools in the Plains in special cases.

(f) 28.

(g) A statement giving the information asked for is placed on the table.

*Copy of Notification No. 1351 of Eastern Bengal Railway Weekly Gazette, No. 47 of 1919.*

## REVISED RULES FOR THE GRANT OF ASSISTANCE TO SUBORDINATES FOR EDUCATION AT HILL SCHOOLS.

No. 1351.—In supersession of Notification No. 372 of *Weekly Gazette* No. 16 of 1918, it is hereby notified that, for the future, the Hill Schools

mentioned in the following lists will be recognised for the purpose of assisted education :

*Darjeeling.*

St. Paul's . . . . .	. . . . .	Protestant	Boys	
Diocesan High School . . . . .	. . . . .	Do.	...	Girls
St. Joseph's North Point . . . . .	. . . . .	Roman Catholic	Boys	...
Loreto Convent . . . . .	. . . . .	Do.	...	Girls.

*Kurseong.*

Victoria High School . . . . .	. . . . .	Protestant	Boys	...
Dow Hill . . . . .	. . . . .	Do.	...	Girls.
Goethal's Memorial . . . . .	. . . . .	Roman Catholic	Boys	...
St. Helen's Convent . . . . .	. . . . .	Do.	...	Girls.

*Shillong.*

Pine Mount . . . . .	Protestant	...	Girls.
St. Edmund's . . . . .	Roman Catholic	Boys	...
Loreto Convent . . . . .	Do.	...	Girls.

1. The Agent will be prepared to consider individual cases of other Hill Schools on a representation being made by the parents, together with full details.

2. The fees at Hill Schools vary from about Rs. 30 to 60 per month, and the share of fees to be borne by parents is required to vary accordingly, being less for the cheaper schools and more for the more expensive schools.

3. The following items are assistable :

Board and tuition.

Use of books—stationery.

Games—library—use of gymnasium.

Medical attendance and medicines.

Washing.

All other items, such as repairs to boots and clothes and special subjects like dancing and music, are not assistable, and the fees for these must be borne entirely by the parents.

4. The parents' share of the fees for assistable items shall be the actual fees subject to the following limits.

*Board and Tuition Fees.*

— — —	Class A Rs. 39 and below.	Class B Rs. 40 to Rs. 49.	Class C Rs. 50 and over.
		Rs.	Rs.
One child . . . . .	7½ per cent. of salary.	7½ per cent plus . 5	7½ per cent. plus . 10
Two children . . . . .	12½ per cent. of salary.	12½ per cent plus . 9	12½ per cent. plus . 18
Three children or more . . . . .	15 per cent. of salary.	15 per cent plus . 12	15 per cent. plus . 24

NOTE.—Salary for the purposes of this ruling does not include 'allowances' of any description.



So far as is known to this office, the above-mentioned schools belong to the various classes as follows :

*Class A.*—Victoria, Dow Hill, Gocthal's Memorial, St. Helen's Convent, Pine Mount.

*Class B.*—Diocesan High School, St. Joseph's, St. Edmund's, Loreto Convents, Shillong and Darjeeling.

*Class C.*—St. Paul's.

5. In the case of parents having children at several Hill Schools :

(i) The percentage of salary will be based solely on the total number of children at school and will be independent of the number of schools attended.

(ii) the amount of surcharge will depend on the number of children at each class of school, independent of the number of schools attended, the more expensive schools being taken first. The following examples will make this clear :

(a) One boy and one girl at separate B. Class schools. Total surcharge Rs. 9.

(b) One boy at C. Class and one girl at B. Class school. Surcharge for first is Rs. 10 and for second is Rs. 4 (Rs. 9 *minus* Rs. 5). Total Rs. 14.

(c) Two boys at C. Class and two girls at B. Class schools. Surcharge for two boys is Re. 1 and for two girls is Rs. 3 (Rs. 12 *minus* Rs. 9). Total Rs. 21.

6. As has been the procedure formerly, bills in full will be prepared by the school authorities and will be submitted to the Chief Auditor, who will pay them and will make the necessary recoveries from the salaries of the parents. The parents should advise the school authorities concerned to submit the bills accordingly.

7. These revised rules take effect from 1st January 1920. The scheme is only applicable to subordinates.

CALCUTTA :  
The 22nd November 1919. }

E. S. CHRISTIE,  
for Agent.

*Copy of Notification No. 54 of Weekly Gazette No. 3 of 1920.*

No. 54.—In continuation of Notification No. 1351 of *Weekly Gazette* No. 47 of 23rd November 1919, the staff are informed that assistance will be afforded in the case of other Hill Schools only when accommodation in the approved Hill Schools is not available, or under special circumstances. In such cases separate applications must be submitted through District Officers and Heads of Departments to the Agent with full reasons as to the necessity for sending children to other Hill Schools.

No assistance will be given for education in European Schools in the Plains except in cases where it is shewn there is no accommodation available in Hill Schools or when there are medical reasons or exceptional circumstances preventing the applicant from sending a child to the Hills. In these cases

applications for assistance with full particulars must be submitted through District Officers and Heads of Departments to the Agent. Assistance will be given in very special cases and only when children are sent as Boarders away from the stations at which their parents are employed.

For purposes of this Rule, the staff at Chitpore, Narculdanga and Sealdah will be considered as being employed in Calcutta.

Employees who wish to send their children to the Schools listed in Notification No. 1351, above referred to may do so without any further sanction from the Agent. They must, however, advise the Chief Auditor through their District Officers at the beginning of each year of the names and relationship of such children. The Chief Auditor will prepare bills in accordance with paragraph 6 of Notification No. 1351 of *Weekly Gazette* No. 47 of 23rd November 1919.

In the case of other schools, application for sanction must be made to the Agent through District Officers and Heads of Departments annually at the beginning of each year.

An advance of one month's pay recoverable in ten equal monthly instalments will also be made by the Chief Auditor on application to him at the beginning of each year towards the purchasing of outfit for children attending the schools listed in Notification No. 1351. In all other cases application must be made to the Agent through the District Officers and Heads of Departments.

CALCUTTA :  
The 13th January 1920. }

J. H. WHITE,  
Agent, Eastern Bengal Railway.

*Statement showing the expenditure from the revenues of the Eastern Bengal Railway for the following years under the following heads.*

Year.	Contribution to Indian Schools.	Contribution to European Schools.	School assistance granted to European and Anglo-Indian employees.
	Rs.	Rs.	Rs.
1915-16 . . . .	2,585	5,780	2,756
1916-17 . . . .	3,143	7,354	4,038
1917-18 . . . .	3,704	10,334	4,738
1918-19 . . . .	3,993	10,373	22,510
1919-20 . . . .	4,774	11,083	38,885

#### INDIAN TEACHERS IN THE EASTERN BENGAL RAILWAY AIDED SCHOOLS.

531. **Rai J. N. Majumdar Bahadur :** (a) Is it a fact that while teachers of European aided schools are granted free passes for themselves and their families and are permitted to subscribe to the Provident Fund, teachers of Indian aided schools are not granted anything beyond one set of Privilege

Ticket Orders for themselves only (and not families) in a year and are not allowed to subscribe to the State Railway Provident Fund ?

(b) Will the Government be pleased to state whether it is prepared to issue orders that the teachers of the Indian schools should be given the same privileges in the matter of free passes, as the teachers of the European schools and be allowed to subscribe to the Provident Fund ?

**Colonel W. D. Waghorn:** (a) Teachers of certain European aided schools are allowed two sets of passes annually for themselves only and not for their families. They are not allowed to subscribe to the State Railway Provident Fund. Teachers of Indian aided schools are allowed one set of Privilege Ticket Orders annually for themselves only, and they are not allowed to subscribe to the State Railway Provident Fund.

(b) Government is prepared to consider the question of allowing the same privileges to teachers in both classes of schools but they cannot allow teachers in aided schools to subscribe to the State Railway Provident Fund. This is only allowed in the case of teachers of schools in Railway Colonies which are maintained exclusively for the children of Railway employees.

#### RATES FOR HANDLING MERCHANTS GOODS IN THE EASTERN BENGAL RAILWAY.

532. **Rai J. N. Majumdar Bahadur:** (a) Is it a fact that the rates paid by the Eastern Bengal Railway to Messrs. Bird and Company (who are the labour contractors to the Eastern Bengal Railway for certain important stations) for handling merchants goods are considerably higher than those paid to Station Masters (who do the work at the other stations) for doing the same kind of work ?

(b) Is it a fact that recently the rates allowed to Messrs. Bird and Company have been enhanced by 25 per cent. all round on account of the increase in the cost of labour ?

(c) Is it a fact that Station Masters have been refused any increases in the rates paid to them, in spite of repeated representations ?

(d) Is it a fact that the appeals of the Station Masters were rejected by the Traffic Manager and the Agent ?

(e) Will Government be pleased to state whether it is going to instruct the Eastern Bengal Railway authorities to grant the Station Masters the same increase in the rates as given to Messrs. Bird and Company ?

**Colonel W. D. Waghorn:** (a) The rates paid to Messrs. Bird and Company for handling goods traffic at the Calcutta Terminals and certain important transshipment stations outside Calcutta are usually higher than those paid to Station Masters who have the contracts at other smaller stations, as Messrs. Bird and Company have to import labour for the large stations and employ skilled supervisors. The rates paid to Station Masters at the other stations vary with the conditions obtaining at these stations and in some cases even they are higher than those paid to Messrs. Bird and Company.

(b), (c) and (d). Messrs. Bird and Company's rates have been enhanced by 25 per cent. and the same percentage of increase has been granted to Station Masters at those stations at which it was considered the previous rates were inadequate. These stations comprise 85 per cent of the total number at which Station Masters are the handling contractors.

(e) In view of the replies given to (a), (b), (c) and (d) of the question, Government does not see any need to instruct the Eastern Bengal Railway authorities as suggested.

SUPERIOR TRAFFIC SERVICE IN RAILWAYS.

533. **Rai J. N. Majumdar Bahadur :** (a) Will Government be pleased to state the number of (i) European and Anglo-Indian subordinates and (ii) Indian subordinates respectively promoted to the Superior Traffic Service on each of the following trunk lines since the year 1905 up to date :

(i) North Western, (ii) Oudh and Rohilkhand, (iii) Eastern Bengal, (iv) East Indian, (v) Bengal Nagpur, (vi) Great Indian Peninsula, (vii) Bombay, Baroda and Central India, (viii) Madras and Southern Mahratta, and (ix) South Indian Railways ?

(b) Will the Government be pleased to state whether it intends to appoint a larger number of qualified Indians to the Superior Traffic Establishment on all State Railways and specially on the Eastern Bengal Railway ?

**Colonel W. D. Waghorn :** (a) A statement giving the information asked for is placed on the table.

(b) It is the intention to increase the number of Indians in the Superior Traffic Department of State Railways but the rate of such increase is dependent on the number of vacancies in the sanctioned scale and the number of qualified candidates offering themselves for appointment. At the present time, of the 33 gazetted officers of the permanent Traffic Establishment, Eastern Bengal Railway, 9 are Indians.

*Statement showing the number of (i) European and Anglo-Indian, and (ii) Indian Subordinates promoted to the Superior Traffic Service on the following Railways from 1905 to date.*

Railway.	European and Anglo-Indian.	Indian.
North Western . . . . .	13	2
Oudh and Rohilkhand . . . . .	1	1
Eastern Bengal . . . . .	7	<i>Nil.</i>
East Indian . . . . .	30	1
Bengal Nagpur . . . . .	6	6
Great Indian Peninsula . . . . .	15	1
Bombay, Baroda and Central India . . . . .	8	7
Madras and Southern Mahratta . . . . .	7	4
South Indian . . . . .	6	1
Total . . . . .	93	23

NOTE.—Since 1909 twenty seven Indians have been appointed in addition as probationary Assistant Traffic Superintendents, State Railways, and subsequently confirmed in the Superior Traffic Service. The Company-worked railways are also recruiting Indian Traffic officers in the same way.

## REST-HOUSES AT KURSEONG.

534. **Rai J. N. Majumdar Bahadur :** (a) Is it a fact that the Government recently sanctioned the purchase of two rest-houses at Kurseong for the use of convalescent officers and subordinate employees of the Eastern Bengal Railway ?

(b) What was the cost of purchasing these rest-houses ?

(c) Is it a fact that when sanctioning the purchase of these rest-houses, the Railway Board distinctly told the Agent of the Eastern Bengal Railway that one was for the use of gazetted officers and the other for the use of subordinate employees ?

(d) Is it a fact that the Agent of the Eastern Bengal Railway has recently, in reply to an application from an Indian subordinate, said that the subordinates' rest-house is not intended for Indians ?

(e) Did the Agent issue these orders on his own responsibility or with the concurrence of the Government of India ?

(f) If the latter, will the Government be pleased to state the reasons for according such approval ?

(g) If the former, will the Government be pleased to state whether they are going to instruct the Agent to rescind his orders ?

**Colonel W. D. Waghorn :** (a) The answer is in the affirmative.

(b) The cost of purchasing the houses and rendering them habitable was Rs. 46,970.

(c) The proposal submitted to the Railway Board contemplated one rest house for officers and one for subordinates, and this proposal was sanctioned.

(d) In June last an application was received by the Agent from the Chief Auditor, Eastern Bengal Railway, for the accommodation of three Indian Clerks, who were on duty, in Subordinates' rest house. This was refused because the rest house was built for purposes of rest and convalescence and not as lodgings for men on ordinary duty.

(e) and (f). The Agent issued these orders on his own responsibility.

(g) Government do not propose to ask the Agent to rescind his orders as these rest houses, which are meant for the recruitment of health of the staff who need it, would not be serving their legitimate purpose if men on duty were allowed to occupy them as ordinary quarters.

## FINANCIAL POSITION OF BERAR.

535. **Mr. B. H. Jatkar :** (a) Have any safeguards been imposed for the performance of the conditions laid down in rule 14 (2) of the Devolution Rules regarding the due administration of Berar by the Central Provinces Government ?

(b) Will any instructions be laid down for the guidance of the Central Provinces Government for the allotment of the revenues of Berar for the immediate needs of Berar ?

(c) Do the Government of India propose to consider the question of taking action under (a) and (b) with a view to ensure financial independence for Berar ?

**Mr. S. P. O'Donnell :** The rule to which the Honourable Member refers gives the Government of India ample powers of intervention and no further safeguards appear to be necessary. The Government of the Central Provinces recently proposed that a committee should be appointed to inquire into the revenue and expenditure of Berar and the Central Provinces with the object of determining the sums that may fairly be allocated to each province and the Government of India concurred in this proposal. Since then a Resolution for the appointment of a committee has been carried in the local Legislative Council and has been accepted by the Local Government.

#### ANOMALOUS STATUS OF BERAR.

536. **Mr. B. H. Jatkar :** (a) Will the Government be pleased to lay on the table all the representations made to the Government of India and the Secretary of State by the various Associations and people of Berar during the last 20 years, complaining about the anomalous status of Berar (not being British India) and its consequent disadvantages ?

(b) Has the Government taken any steps on these representations, and, if so, what ?

(c) Will the Government be pleased to lay on the table the whole correspondence between the Government of India, the Secretary of State and the Central Provinces Government on this subject ?

**Mr. S. P. O'Donnell :** (a) The representations received during the last 10 years will be collected, and copies supplied to the Honourable Member as soon as practical be.

(b) The answer to this will be given when the representations have been collected.

(c) The answer is in the negative. It would be contrary to the standing practice to lay such correspondence on the table.

#### SYSTEM OF BEGAR AND RASAD.

537. **Mr. B. H. Jatkar :** (a) Has the attention of the Government been drawn to the letter of Mr. C. F. Andrews in the *Independent* of 18th February 1921, headed 'Swaraj and Begar inconsistent' reproduced in the newspaper *Mahratta* of Poona of 27th February 1921 ?

(b) Is the Government aware that this evil system of Rasad and Begar is still prevalent in many parts of India and is one of the principal causes of discontent amongst the ryots and the masses ?

(c) Do the Government propose to instruct the various Local Governments to take immediate steps to abolish the system of Begar (forced labour) and Rasad and thus do away with this form of servitude ?

(d) Do Government propose to consider the question of making adequate arrangements for supply of labour and provisions to officers and Government servants on tour through paid contractors, or other independent agencies ?

**Mr. J. Hullah :** (a) The Government of India have seen the letter.

(b) The Honourable Member is referred to the answer which I gave to Mr. Joshi in reply to Question No. 431 on the 10th March.

(c) and (d) Beyond the undertaking there given the Government of India do not propose to take any action or issue any instructions on the subject, as the matter is essentially one for the Local Governments to settle.

#### SYSTEM OF BEGAR.

538. **Mr. B. H. Jatkar :** (a) Has the attention of the Government been drawn to the debate in the Central Provinces Legislative Council in August 1920, wherein the Government Member tried to justify the system of Begar on the strength of custom?

(b) Is the Government aware that some misunderstanding about the intentions of the Government has been created by the attitude of this officer? Do the Government propose to take any steps to remove such misunderstanding?

**Mr. J. Hullah :** (a) The Government of India have seen the report of the debate.

(b) The Honourable Member is referred to the answer which I have just given to him in reply to the preceding question.

#### RAILWAY LINE BETWEEN DHAMANGAON AND YEOTMAL.

539. **Mr. B. H. Jatkar :** (a) Has the Railway Board sanctioned the survey of a railway line between Dhamangaon and Yeotmal?

(b) If so, when is it likely to be taken in hand?

(c) Is the Government aware of the great inconvenience and loss to the traders of Yeotmal caused by the present system of transshipment at Murtazapur?

(d) Have Government considered the necessity of having a broad gauge line?

**Colonel W. D. Waghorn :** (a) The reply is in the negative.

(b) In view of the many pressing demands for railway surveys and the difficulty of finding funds Government are unable to give any undertaking as to when it will be possible to take this survey in hand.

(c) Government are aware that the Local Government received memorials for the construction of the railway in question for the convenience of the local people.

(d) This point will be given full consideration when it becomes possible to consider the question of the survey of this line with a view to its construction.

#### POSTAL SERVICE TO YEOTMAL.

540. **Mr. B. H. Jatkar :** Till the construction of the Dhamangaon-Yeotmal line, do the Government propose to consider the question of entrusting the postal service to Yeotmal to a motor company? Is Government aware that the present arrangement by the C. P. Railway causes unusual delay?

**Mr. C. A. Innes :** Formerly mails for Yeotmal were conveyed by tonga from Dhamangaon station on the Great Indian Peninsula Railway, a distance of 29 miles. When the Railway was constructed from Murtazapur to

Yeotmal the mails were, in accordance with the regular policy of the Department, diverted by that route. Yeotmal is a small place, and its only claim to importance lies in its being the district headquarters. The daily average weight of mail matter carried is less than two maunds and if a motor service is introduced from Dhamangaon they will arrive only four hours earlier. The amount paid to the Railway as haulage charges is Rs. 200 a month, while a motor service between Dhamangaon and Yeotmal would cost at least Rs. 600 a month. Under the circumstances the additional expense involved in a motor service is not considered to be justified.

#### WATER SUPPLY AT RAILWAY STATIONS.

541. **Mr. B. H. Jatkar :** Do the Government propose to direct the Railway Companies to make proper arrangements for water supply on all the stations of the Great Indian Peninsula Railway and the C. P. Railway during the hot weather ?

**Colonel W. D. Waghorn :** The necessity for the provision of an ample supply of drinking water for passengers is fully realised by Railways and Government has no information to the effect that the existing arrangements on the Great Indian Peninsula and C. P. Railways are inadequate. The matter will, however, be brought to the notice of the railways.

#### PREPAYMENT OF RAILWAY FREIGHT.

542. **Mr. B. F. Jatkar :** (a) Is the prepayment of railway freight required before wagons are supplied to Bengal collieries ?

(b) Do Government propose to discontinue this system ?

(c) Do they also propose to make free supply of empty wagons to the collieries without giving preference to any consumer or dealer ?

**Colonel W. D. Waghorn :** (a) The prepayment of freight on coal is required before the wagons are despatched.

(b) Government is not prepared at present to advise the Railways to discontinue the system.

(c) The Honourable Member's attention is invited to the reply to parts (d), (e) and (f) of Question No. 331 asked by Rai Jadu Nath Majumdar Bahadur at the meeting of this Assembly on the 17th *ultimo*. The Report of the Informal Committee, referred to therein, is receiving the careful consideration of the Government of India.

#### COURT-MARTIAL OF SUBADAR SHAMSING.

543. **Mr. B. H. Jatkar :** Will the Government of India be pleased to state :

(a) If one Subedar Shamsing of 2-32nd Sikh Pioneers was tried by court-martial for sending a letter to the General Officer Commanding, bringing to his notice some acts of his superior officers which created grave misunderstanding among the sepoys ?

(b) Whether in the finding of the court-martial and in the order of confirmation of His Excellency the Commander-in-Chief it was held, two of the charges made in his letter were true and that he was acting in good faith ?



- (c) Whether his case will be reconsidered and he will be allowed to go on pension?

**Sir Godfrey Fell:** (a) Ex-Subadar Shamsing, of the 2-32nd Sikh Pioneers, was tried by General Court-Martial on the 20th and 21st July 1920 for making a series of accusations against his Commanding Officer and the Subadar-Major of his Depôt, in a letter addressed to the General Officer Commanding, Sialkot Cavalry Brigade.

(b) The accused made four accusations jointly against his Commanding Officer and Subadar-Major, and three further distinct and separate accusations against the latter, making seven accusations in all against the two officers.

The Court expressed the opinion, which was supported by His Excellency the late Commander-in-Chief when confirming the finding of 'Guilty' and sentence of dismissal, that in respect of the two least serious accusations against his Commanding Officer and Subadar-Major, *viz.*, the forcible entry by the former into the men's married quarters (in this connection I would invite the attention of the Honourable Member to the answer given to Mr. Muhammad Faiyaz Khan's Question No. 130, dated the 17th February 1921) and the mismanagement of the tea shop by the Subadar-Major, the accused had some grounds for believing his statements, and that, in so far as these two statements were concerned, he was acting in good faith.

The Court, however, were of opinion that the remaining five accusations, which included the more serious, were entirely without foundation in fact, and consequently found the accused guilty in respect of these five accusations and sentenced him to be dismissed from the service.

The finding and sentence were confirmed by His Excellency the late Commander-in-Chief.

- (c) The answer is in the negative.

#### REPRESENTATION OF MR. SHEOSHANKAR.

544. **Mr. B. H. Jatkari:** Would the Government of India be pleased to state:

- (a) If any representation has been made to the Viceroy and Governor General of India by Mr. Sheoshankar, a Sub-Judge in the Central Provinces Judicial Service, through the Local Government of the Central Provinces?
- (b) Whether the said representation has been withheld by the Local Government without assigning any reasons?
- (c) Whether the said officer being a permanent Sub-Judge is stopped at the highest grade of a Munsiff in the time-scale recently introduced when he was entitled to the pay of a Sub-Judge according to the period of his long service as such?
- (d) Whether in the case of the said officer, the Government of India's instructions contained in Circular letter No. 2623-1—1918-19 reproduced in Chief Commissioner's Book Circular No. 1—8 have been totally ignored, thus depriving him of an opportunity to know the adverse remarks against him and to meet them?
- (e) Whether the representation of the said officer will be sent for, with all connected papers and considered by the Government of India?

**Mr. S. P. O'Donnell:** The statement of memorials withheld by the Central Provinces Government for the quarter ending the 31st December 1920 received by the Government of India, shows that a memorial from Mr. Sheoshankar praying that his initial pay in the time-scale may be fixed at Rs. 850 was withheld by the Local Government under rule 11 (9) and (12) of the rules for the submission of memorials to the Government of India. The Government of India have no further information but are calling for a report from the Local Government.

#### REVISION OF PAY IN THE I. M. S.

**545. Mr. K. G. Bagde:** Will the Government be pleased to state :

- (a) What annual increase in expenditure will result from the recently revised scales of pay and allowances of officers of the Indian Medical Service in civil employment?
- (b) What would be the amount required to be paid from 1st January 1920 up to 31st March 1921 under these revised scales with retrospective effect?

**Mr. S. P. O'Donnell:** The information is being collected and will be laid on the table.

#### SALE OF NEWSPAPERS AT THE MYMENSINGH RAILWAY STATION.

**546. Mr. Muhammad Faiyaz Khan:** Has the attention of the Government been drawn to the statement, headed '*Aik Afsosnak tufrik*' published in the *Fateh* (Delhi), dated 10th March 1921, page 2, column 4, and will the Government be pleased to state if the following statement as contained in the news referred to is correct: that the Agent of the *Statesman* of Calcutta is allowed to sell the copies of *Statesman* on the Mymensingh Railway Station, but when the Agent of the *Amrita Bazar Patrika* applied for the permission he was told that such permission could not be granted?

(b) If so, will Government state the reason of this differential treatment by the Railway authorities?

**Colonel W. D. Waghorn:** The attention of Government has not previously been drawn to the article referred to, but it has been ascertained that permission was asked to sell the *Amrita Bazar Patrika*, among certain other papers, on the station platform at Mymensingh. This permission could not be granted as arrangements had been made with Messrs. Wheeler and Company, who are the contractors for the sale of papers and literature at stations on the Eastern Bengal Railway, to open a bookstall at that station. Permission has not been granted for the sale of the *Statesman*. The alleged sale of this paper is unauthorised and inquiries are being made with a view to stopping the practice if the paper is being sold on the platform.

#### CLERKS OF THE BOMBAY SECRETARIAT AND CITY POST OFFICE.

**547. Mr. Jamnadas Dwarkadas:** Is it a fact that clerks of the Bombay Secretariat and attached offices are started on a pay of Rs. 60 per mensem; if so, will Government please state as to why the same principle has not been applied to the Post Office in that City and whether they propose immediately to abolish this difference?

**Mr. C. A. Innes :** The Honourable Member is referred to paragraph 9 of Chapter II of the Report of the Postal Committee. It will be seen that the Postal Committee would have proposed Rs. 60 as the minimum pay for a clerk in Bombay had the probationer grades been retained. The proposed Rs. 50 and Rs. 55 as pay for the two years during which a new entrant may be regarded as in training. The Government have accepted this recommendation, the reasons for which are fully explained in the above report.

**Rao Bahadur T. Rangachariar :** When a question of this nature is raised, regarding revision of pay, do Government take it as the opinion of the Member or of the Assembly?

**The Honourable the President :** A question is not supposed to be an expression of opinion.

#### POSTAL CLERKS IN THE BOMBAY PRESIDENCY.

548. **Mr. Jamnadas Dwarkadas :** Will Government be pleased to state if they have received any memorials from the Postal clerks in the Bombay Presidency about the sanction and subsequent withdrawals of the war allowance at scales granted by the Local Government and subsequent recoveries from the staff of seven of the head offices where the amounts were actually disbursed?

**Mr. C. A. Innes :** Government have received some memorials on the subject. The allowances in question were paid to some of the staff without authority under a misconception. The amounts wrongly drawn had, therefore, to be recovered, but to prevent hardship the recoveries were made in several instalments.

#### WAR ALLOWANCES AND THE BOMBAY POSTAL DEPARTMENT.

549. **Mr. Jamnadas Dwarkadas :** Will Government be pleased to state as to why war and other allowances sanctioned from time to time by the Bombay Government Departments under its control have not been granted on the same scale to the Postal Department in that Presidency, and whether they would consider the desirability of according immediate sanction to all such allowances similar to that granted to the servants of the Local Government?

**Mr. C. A. Innes :** The Postal Department, being an Imperial Department, was given a general scale of war and other allowances, which was applicable to other parts of India besides the Bombay Presidency. But in places like Bombay City, where conditions were peculiar, the scale sanctioned by the Local Government for its servants was extended also to postal officials.

The rates of pay recommended by the Postal Committee were intended to absorb war and other allowances, and the Government have no intention of revising them.

#### DEPARTMENTAL COMMITTEE.

550. **Mr. Jamnadas Dwarkadas :** (a) Will Government be pleased to state as to why the Departmental Committee recommended to be appointed by the Postal Inquiry Committee to go into the technical questions connected with and the working of the Post Office has not yet been appointed and whether they intend appointing it at once?

(b) In appointing the Committee do the Government propose to see that they appoint a majority of clerical representatives in view of the unsatisfactory nature of the report of the Postal Committee by officials?

**Mr. C. A. Innes:** (a) Presumably the Honourable Member refers to the recommendation made in paragraph 5 of Chapter VIII of the Postal Committee's report. The Committee did not suggest the formation of any Departmental Committee but recommended that the departmental time test should be examined by experts. This has been done and it is found that except in respect of one or two items of work no change is required.

(b) The question does not arise.

#### GOVERNMENT GAZETTED HOLIDAYS AND POST OFFICES.

551. **Mr. Jamnadas Dwarkadas:** (a) Are Government aware that:

(i) the Post Office is not privileged to enjoy all Government gazetted holidays, and

(ii) that no extra allowance is paid to the officials for their service on those days?

(b) Are the Government prepared to consider the desirability of either closing Post Offices on gazetted holidays or paying reasonable extra allowances for services rendered on those days?

**Mr. C. A. Innes:** The Honourable Member is referred to paragraph 3 of Chapter VIII of the Postal Committee's report. The Government agree with the Committee's conclusions.

#### OUTSIDERS IN THE HIGHER BRANCH OF THE POST OFFICES.

552. **Mr. Jamnadas Dwarkadas:** (a) Have Government noticed the serious unrest culminating in several appeals to the authorities concerned prevailing among the officials of the Post Office on the vexed questions of direct appointment of inexperienced outsiders to the higher branch of the service, and has their attention been drawn to complaints as to the way in which favourite officials are selected both for higher appointments and the examinations which such officials are to pass for those appointments, irrespective of seniority or other questions of merit?

(b) Do the Government intend to order the immediate abolition of all such distinctions and institute a system of regular examination for all officials desiring to attend and better their prospects, such examination alone to be the medium leading to higher appointments?

**Mr. C. A. Innes:** It is presumed that the Honourable Member refers to the appointment of probationary Postmasters, which is discussed in paragraph 2 of Chapter VIII of the Postal Committee's report. As there stated, there are now eleven probationers on the rolls. Government have issued orders that there is to be no further appointment of probationers until these eleven have been absorbed. The question of the total abolition of this method of recruitment will then be considered.

#### EFFICIENCY BARS IN POST OFFICES.

553. **Mr. Jamnadas Dwarkadas:** (a) Are Government aware of the introduction of efficiency bars at two stages in the newly sanctioned scales of

pay for the Post Office and will they please state their reasons as to the necessity of any such bars.

(b) Do the Government propose to abolish with immediate effect all these bars?

**Mr. C. A. Innes :** (a) Yes. The reasons for these efficiency bars are given in Chapter II of the Postal Committee's report, to which the Honourable Member is referred.

(b) No.

#### HARDSHIPS ON SENIOR MEN OF THE POST OFFICE.

554. **Mr. Jamnadas Dwarkadas :** (a) Is Government aware that the limitation of 50 per cent. increase only in certain cases of the Post Office establishment according to the revised scales of pay causes great hardship on senior men of the Department?

(b) Do Government propose to consider the question of doing away with this limitation?

**Mr. C. A. Innes :** The Postal Committee in paragraph 16 of Chapter II of their report, dealing with clerical grades up to Rs. 100, recommended that the immediate increase in pay given to any individual should be limited to a maximum of 50 per cent. on his existing pay *plus* war allowance. The Government accepted their recommendation and they are unable to agree that a rule limiting *per saltum* increases of pay to 50 per cent. is a great hardship on senior men of the Department.

#### REVISED SCALE OF PAY IN THE POST OFFICE.

555. **Mr. Jamnadas Dwarkadas :** Are Government aware that the revised scale of pay as recommended by the Postal Committee is insufficient to meet the increased cost of foodstuffs; if so, will they please say how they propose to compensate the clerical cadre, and whether any proposals for the grant of local allowances for places like Bombay, etc., are under consideration?

**Mr. C. A. Innes :** The revised scales of pay recommended by the Postal Committee took into consideration the increased cost of living. Government are not aware that there has been any further increase in the cost of living since the Committee reported. No proposals for the grant of local allowances for places like Bombay are under consideration.

#### SCALES OF PAY IN THE DIFFERENT POSTAL LOCALITIES.

556. **Mr. Jamnadas Dwarkadas :** Will Government be pleased to state if their attention has been drawn to the anomalies existing in the scales of pay of the Postal Service sanctioned for the different localities for instance, Poona has been placed in scale 'C' while Kirkee, a suburb of Poona and a military centre, is placed in scale 'D.' Do Government propose to examine all these anomalous scales and eliminate all such discrepancies?

**Mr. C. A. Innes :** The matter is already under the consideration of the Government.

BOMBAY PRESIDENCY POST MASTER'S CIRCULAR.

557. **Mr. Jamnadas Dwarkadas :** (a) Are Government aware of a circular letter issued by the Presidency Postmaster, Bombay, proposing to lease out to such of the clerks desiring it a building constructed by the Bombay City Improvement Trust at a nominal rent of Rs. 33 per set of rooms ?

(b) Will Government be pleased to say whether the rent demanded is the nominal rent in Bombay for a couple of rooms, and, if so, whether they will please consider the question of granting a suitable house-rent for the clerical cadre in Bombay City ?

**Mr. C. A. Innes :** (a) Yes.

(b) The rent named by the Honourable Member is the rent fixed by the Bombay Improvement Trust. The Postmaster-General is now submitting proposals for the purchase of one or more of these tenements by Government for the housing of their employees.

RECOVERY OF EXCESS AMOUNT FROM A POSTAL CLERK.

558. **Mr. Jamnadas Dwarkadas :** (a) Are Government aware of a Circular issued by the Director-General of Posts and Telegraphs directing recovery of any excess amount due to Government after deduction of the arrears of pay due to a clerk from the one month's advance of pay granted before the introduction of the revised scales of pay and are they aware that this order, if carried out, would cause great hardship ?

(b) Do Government propose to consider the advisability of waiving all dues ?

**Mr. C. A. Innes :** The Director-General of Posts and Telegraphs has already represented the matter to the Government, and it has been decided that the recovery of any excess amount due to Government should be waived.

RAILWAY MAIL SERVICE SORTERS.

559. **Mr. Jamnadas Dwarkadas :** Are Government aware of the serious hardship caused to the Railway Mail Service sorters of the 'B' Division who have to stay in Bombay in the interest of service and do Government propose to consider the grant of the same scale of pay for them as is allowed in the Foreign Mail Service ?

**Mr. C. A. Innes :** The question of raising the pay of the men of 'B' Division, Railway Mail Service, whose headquarters are fixed at Bombay, is under consideration. It should be noted, however, that the conditions of service are not the same as in the Foreign Mail Division.

RECOMMENDATIONS OF THE POSTAL INQUIRY COMMITTEE.

560. **Mr. Jamnadas Dwarkadas :** (a) Is it a fact that the recommendations of the Postal Committee of Inquiry were returned to that Committee for reconsideration as being too extravagant ? If so, will Government lay on the table their original report ?

(b) Has any correspondence passed between the Government and the Committee ever since the hearings began ? If so, will Government be pleased to lay it on the table ?

**Mr. C. A. Innes :** The answer to both parts of the Honourable Member's question is in the negative.

#### INCONVENIENCE FELT BY THE PEOPLE OF AURANGABAD.

561. **Rai Sahib Lakshmi Narayan Lal :** (a) Is the Government aware that a good deal of inconvenience is felt by the people by there being no railway line up to Aurangabad (District Gaya, Province of Bihar and Orissa), the sub-divisional headquarter for about 9 miles from Palmerganj station (Grand Chord line, East Indian Railway) ?

(b) Is the Government aware that the existing line *via* Palmerganj being north of the junction of Batana and Pompur rivers, breaches are often caused in the railway line on account of the accumulated force of the water of the two rivers after the junction during floods causing a good deal of inconvenience and damage to the public as well as to the Railway Company ?

(c) Do Government propose to sanction a line through Aurangabad ?

**Colonel W. D. Waghorn :** (a) The reply is in the negative. Government have so far received no representation regarding the inconvenience.

(b) and (c). Breaches caused by floods, on the Mughalsarai-Gya Section generally, have been brought to the notice of Government and the case has since been met by certain protective works, such as the raising of the line and the provision of additional openings. In the circumstances, the alignment suggested by the Honourable Member is not considered necessary at present.

#### CONTINUOUS TRAIN VIA GRAND CHORD TO DELHI.

562. **Rai Sahib Lakshmi Narayan Lal :** (a) Is the Government aware that a good deal of inconvenience is felt by the people by there being no continuous train *via* Grand Chord line to Delhi ?

(b) Is the Government aware that a good deal of inconvenience is felt by the people on account of there being no fast running train between Gaya and Patna ?

(c) Is the Government aware that a good deal of inconvenience is felt by the people on account of none of the Express trains running *via* Grand Chord line as it used to do before ?

(d) Is the Government aware that a good deal of inconvenience is felt by the people on account of the Bombay Mail not stopping at Palmerganj which is the station for Aurangabad ?

(e) Is the Government contemplating the removal of any of the aforementioned inconveniences of the people in the near future ?

**Colonel W. D. Waghorn :** (a) No. Government are not aware of the inconvenience referred to. There are convenient connecting trains from Mughalsarai onward.

(b) The speed over this Branch has to be restricted to 25 miles per hour and no improvement can be made at present.

(c) It is not possible at present to augment the passenger train service over the Grand Chord and if an express train were put on instead of one of the existing trains it would result in the service at intermediate stations being reduced.

(d) The Up Bombay Mail stops at the larger stations only on the Grand Chord and stoppage at Palmerganj cannot be arranged.

(e) The Honourable Member is referred to replies to (a), (b), (c) and (d).

# COMMISSIONS IN THE ROYAL AIR FORCE.

563. **Munshi Iswar Saran :** (a) Will Government be pleased to state the total number of officers holding His Majesty's Commission in the Royal Air Force and the Auxiliary Force?

(b) Will Government be further pleased to state the approximate number of officers holding His Majesty's Commission belonging to the British and Indian services that is expected to be reached by the end of the present year?

(c) How many Indians are expected to hold His Majesty's Commission by the end of the year 1921?

**Sir Godfrey Fell :** (a) There are 3,019 officers holding His Majesty's Commission in the Royal Air Force. The Honourable Member's question presumably refers to the whole Royal Air Force, and not to those units only which are serving in India. As regards the Indian Auxiliary Force, the number at present is 265.

(b) The estimated number is approximately as follows :

British Services	.	.	.	.	.	.	.	.	.	4,300
Indian Services	.	.	.	.	.	.	.	.	.	6,400

(c) Sixty-three.

# SYSTEM OF FORCED LABOUR.

564. **Munshi Iswar Saran :** (a) Has the attention of Government been drawn to the articles of Mr. C. F. Andrews on the evils of the system of forced labour as it prevails in various parts of British India that have appeared in the public press?

(b) Are Government prepared to issue orders for its immediate and complete abolition?

**Mr. J. Hullah :** (a) The Government of India have seen certain articles by Mr. Andrews on the subject.

(b) The Honourable Member is referred to the answer which I have to-day given to Mr. Bhimrao Hanumant Rao Jatkari in reply to Question No. 537.

# OFFICERS IN THE FOREIGN AND POLITICAL SERVICES.

565. **Munshi Iswar Saran :** Will Government be pleased separately to state the number of officers, British and Indian, in the Foreign and Political Services and whether it is prepared to introduce, in large numbers, at an early date, Indians into such services?

**The Honourable Dr. T. B. Sapru** (on behalf of the Honourable Sir John Wood) : The answer to the first part of the question is to be found by reference to 'The Quarterly List of the Foreign and Political Department,' a copy of which is placed on the table. As regards the second part of the question, the Honourable Member is referred to my speech of the



15th instant in reply to his motion for reduction of the demand under Head 48—North-West Frontier Province.

566. **Munshi Iswar Saran** : Sir, I do not wish to put Question No. 566.

#### PUBLICATION OF RULES RE HIS MAJESTY'S COMMISSIONS.

567. **Munshi Iswar Saran** : Do Government propose to consider the question of publishing in the important newspapers, English as well as vernacular, of British India by the end of June 1921 all the rules regarding the grant to Indians of His Majesty's Commissions ?

**Sir Godfrey Fell** : Government will publish the conditions for admission of Indians to the Royal Military College, Sandhurst, by the date mentioned.

#### RAILWAY FREIGHT.

568. **Munshi Iswar Saran** : Will Government be pleased to state the railway freight per maund (1) from Allahabad to Karachi, (2) from Calcutta via Allahabad to Karachi, (3) from Allahabad to Bombay, and (4) from Cawnpore to Bombay ? If in any of these cases the freight for a shorter distance be greater than that for a longer distance, will Government be pleased to state the reason thereof ?

**Colonel W. D. Waghorn** : I presume the Honourable Member's question relates to goods traffic, and if he will say for what particular article or commodity he wishes to know the rates, the information will be supplied.

I might, however, explain that this information could have been obtained by reference to the Railway authorities concerned.

#### PROBLEM OF LANDLORD AND TENANT.

569. **Munshi Iswar Saran** : Will Government be pleased to state if it will appoint a commission to investigate the whole problem of landlord and tenant in India, to suggest practical steps by legislation or otherwise (1) to secure fixity of tenure to the tenants, (2) to place the law relating to enhancements of rent on a satisfactory basis and (3) to bring about generally an improvement in the economic condition of the ryot ?

**Mr. J. Hullah** : The Government of India do not propose to take any action of the kind suggested. Land Revenue Administration is a provincial subject and the initiative can best be left to the provincial Governments with reference to local conditions.

#### RECRUITMENT OF INDIAN CANDIDATES FOR THE INDIAN CIVIL SERVICE.

570. **Munshi Iswar Saran** : (a) Will Government be pleased to state if it is a fact that it is proposed to hold an examination in India for the recruitment of Indian candidates for the Indian Civil Service ? If so, will Government be pleased to state when the first examination will be held ?

(b) Have any rules on the subject been framed ?

(c) Will the curricula for the said examination be the same as for the examination held in London ?

(d) Will the Government be pleased to state if it intends to provide any special facility to students who may desire to sit for the same examination held in India?

**Mr. S. P. O'Donnell :** As announced in the Home Department Resolution, dated the 1st December 1920 (copies of which have already been laid on the table), one of the methods to be adopted in future for recruitment for the Indian Civil Service will be by separate competitive examination in India. It has been suggested that to hold the first examination of this kind should be held at centres in India in March 1922, but the details are still under consideration, and some time must elapse before they can be finally settled.

#### JUDICIAL COMMISSIONER'S COURT IN THE UNITED PROVINCES.

571. **Munshi Iswar Saran :** (a) Will Government be pleased to state if it has received any communication from the Government of the United Provinces regarding the raising of the status of the Judicial Commissioner's Court to that of a Chief Court?

(b) What will be the additional financial outlay for the establishment of a Chief Court in Oudh?

(c) Will Government be pleased to state if it has arrived at any decision on the point, and, if so, to what effect?

**Mr. S. P. O'Donnell :** (a) The answer is in the affirmative.

(b) The details of the scheme have not yet been worked out, so that it is not possible to state what would be the financial effect of the proposal.

(c) The matter is under consideration, and the Government of India are not in a position to make a statement at present. In any event, however, the scheme will not be carried into effect unless it secures the support of the Legislative Council of the United Provinces.

#### RE-UNION OF SYLHET WITH BENGAL.

572. **Rai G. C. Nag Bahadur :** (a) Are the Government of India aware that the people of Sylhet desire that their district should be united with Bengal and that they have been carrying on a persistent agitation for many years with a view to gaining this object?

(b) Do the Government intend taking steps to authoritatively ascertain the wishes of the inhabitants of the district in the matter of this union (preferably through their elected representatives on the Imperial and Provincial Councils) and to give effect to the wishes of the people, when ascertained?

**Mr. S. P. O'Donnell :** (a) and (b). The Honourable Member is referred to paragraph 13 of the Government of India's despatch to the Secretary of State of the 5th June. Memorials have been received in the past from a certain section of the inhabitants of Sylhet asking for the re-union of their district with Bengal, but Government are not aware of any general desire for a transfer to Bengal.

(c) and (d). The matter is one which primarily concerns the Local Government and the local Legislative Council, which contains elected representatives of the people of Sylhet. On the materials at present before them, the Government of India do not propose to take any action.

## EXPORT DUTY ON HIDES AND SKINS.

573. **Mr. M. K. Reddiyar** : Will the Government be pleased to state :

(a) what is the total amount of export duty realised on the Indian hides and skins, from the date of the introduction of the duty, up to date ?

(b) whether it was not declared that the whole of this income is to be utilised for the development of the *tanning* industry of India ?

(c) whether the whole or any part of this income has been spent towards this object ?

(d) if not, whether any attempts have been made towards the development of this industry ?

**The Honourable Sir Thomas Holland** : (a) The gross income derived from the export duty on raw hides and skins from the date of the imposition of the duty from 11th September 1919 to the end of February last was Rs. 1,49,06,000.

(b) and (c). No such declaration was made. My Honourable Colleague, Sir George Barnes, gave a promise in the Legislative Council on the 11th September 1919 that a suggestion made by the Honourable Mr. Crum (now Sir W. E. Crum) that a portion of the duty to be imposed should be set aside for schools of tannery and for propaganda work would be carefully considered. This promise was fulfilled. After careful consideration the objections to earmarking any particular item of revenue for expenditure on a particular object were found to be too strong to admit of the adoption of Sir Erskine Crum's proposal in the form in which it was made. At the same time, however, the Government of India recognised an obligation to consider favourably any scheme which might be put forward for the furtherance of the objects which Sir Erskine Crum had in view. The Government of India now have under preparation a large scheme for the assistance of the tanning industry, and it is only due to the exigencies of the present financial situation that they have not placed before the Assembly a demand for a grant on account of the scheme for the next financial year. It is their intention to propose such a grant at the earliest possible opportunity.

(d) Considerable stimulus was given to the tanning industry during the war by the late Indian Munitions Board, particularly in the direction of improving the quality of raw hides and skins, investigating the tanstuffs resources of the country and encouraging the establishment of new tanneries. Generally speaking, the development of industries is now a provincial transferred subject, and it is therefore for the Ministers in the provinces to decide what assistance should be given to develop the tanning industry. In view, however, of the special importance of this industry the Central Government, as I have already informed the Honourable Member, have under preparation a scheme for the establishment of an all-India tanning institute, which they propose to locate in Calcutta and in which it is proposed to combine a tanning research institute, a tanning school, a demonstration tannery and a demonstration boot and shoe factory.

## SEPARATE ACCOUNT OF INCOME ON HIDES AND SKINS.

574. **Mr. M. K. Reddiyar** : Will the Government be pleased to state what steps they propose to take to keep a separate account of the income

realised from the duties on hides and skins and its appropriation for the purposes of the tanning industry?

**The Honourable Sir Thomas Holland :** A separate account is, of course, maintained of the income realised from the export duty on hides and skins. The Government also keep a separate account of any money spent on the development of any particular industry.

WORKS ASSISTANTS IN NEW DELHI.

575. **Mr. Piyari Lal Misra :** Will the Government be pleased to lay on the table a statement showing :

(i) the number of Works Assistants engaged in the works in New Delhi?

(ii) their nationality?

(iii) educational and professional qualifications.

(iv) length of service in each case?

(v) salary paid to each?

**Colonel Sir Sydney Crookshank :** (i) Seven at present.

(ii) British.

(iii) Nothing is known regarding their educational qualifications. Six of them were recruited in England by the Secretary of State at the request of the Government of India. The seventh was recruited in India. As regards their professional qualifications, every precaution was taken to obtain the best men possible. Each man is an acknowledged expert in his particular trade.

\*

(iv) and (v). The length of service and rate of pay of each are given below :

Name.	Length of service.		Rate of pay.
	Years.	Months.	Rs.
W. B. Cairns . . . . .	6	10	650—50—850
F. G. Bowden . . . . .	2	0	550—25—700
W. R. Grant . . . . .	1	6	550—25—700
R. W. Mantle . . . . .	1	4	550—25—700
H. F. Wilson . . . . .	1	2	550—25—700
J. Munro . . . . .	0	7	550—25—700
R. Baker . . . . .	0	4	550—25—700

\*In accordance with the ruling which the Chair has just given, the replies to items (iv) and (v) of this Question are placed on the table.

## CO-OPERATIVE SOCIETIES ACT.

576. **Mr. Piyari Lal Misra :** Do Government propose to amend the Co-operative Societies Act, II of 1912? If so, when?

**Mr. J. Hullah :** The question of amending the Co-operative Societies Act, II of 1912, in the Central Legislature, in so far as territories other than the Governors' provinces are concerned, is at present under the consideration of the Government of India. In respect of Governors' provinces since Co-operative Societies are a provincial and transferred subject, the Government of India have decided to leave it to the provincial legislatures to effect such changes in the law as may be considered necessary.

## ELECTRIC LIGHTS IN AKBAR ROAD (RAISINA).

577. **Mr. Piyari Lal Misra :** Is it a fact that Akbar Road (Raisina) and roads adjoining thereto have no electric lights? Do Government propose to introduce electric lights there?

**Colonel Sir Sydney Crookshank :** Akbar Road, Raisina, has no electric road lights; nor have any of the roads adjoining it, with the exception of Queen's Way, Hastings Road and King George's Avenue. There are no funds from which the cost of erecting lights on these roads can be met. It is not proposed to provide any further temporary road lighting, but it is proposed to erect the permanent lighting when funds permit of its installation.

## OFFICE HOURS IN THE GOVERNMENT OF INDIA SECRETARIAT.

578. **Mr. Piyari Lal Misra :** (a) What are the office hours in the Government of India Secretariat at Delhi?

(b) Do some clerks work after office hours? If so, are they paid extra remuneration for doing so?

**Mr. S. P. O'Donnell :** (a) The office hours are not uniform in all Departments. They are ordinarily from 10-30 A.M. to 4-30 P.M. in most of the Departments, while in some they are from 10-30 A.M. to 5 P.M. Saturdays are observed as half-days. In one Department Wednesdays are also treated as half-holidays.

(b) Yes, whenever necessary. No extra remuneration is paid for such work except to the assistants in the Budget Section of the Finance Department who have been given a bonus in previous years for having to work very long after office hours during the Budget season.

## INCREASE OF HOUSE-RENTS IN THE DELHI CITY.

579. **Sheikh Abdul Majid :** Is Government aware that the landlords in Delhi City have been increasing the house-rents abnormally, causing great hardship to tenants; if so, does Government propose to introduce legislation for controlling and restricting house-rents in Delhi?

**Mr. H. Sharp :** Government is aware that rents have risen considerably in Delhi in the last few years. There has also been great activity in house building in and around Delhi City, in New Delhi, and in the recently planned City Extensions. This activity will be intensified in the next three or four

years when it is hoped that the supply will overtake the demand, and rents will fall in accordance with ordinary economic laws. It is not, therefore, at present contemplated to attempt to control or reduce rents by legislation.

**Mr. Eardley Norton :** Sir, may I make a personal explanation ? When I spoke on Saturday last regarding the passage of the Finance Bill, I spoke on behalf of the Members on this side of the House to Members of the Government sitting opposite, in tendering them our thanks.

It has been said to me that I have conferred these thanks for their courtesy and their frankness to members of the Indian Civil Service alone. That was not my intention at all. I intended those thanks, not merely for those Members of Government who belong to the Indian Civil Service, but for all the Members of Government sitting opposite whether of that Service or not.

**Dr. H. S. Gour :** I should like to say, Sir, that that was also my intention.

#### REPORT OF THE COMMITTEE APPOINTED TO CONSIDER THE REPORT OF THE ESHER COMMITTEE.

**The Honourable Dr. T. B. Sapru :** Sir, I beg to present the Report of the Committee appointed to consider the recommendations of the Report of the Esher Committee. I lay it on the table.

##### *Report of a Committee appointed to consider the Report of the Esher Committee.*

We, the undersigned members of the Committee appointed to consider the Report of the Esher Committee and to make our recommendations thereon, have held six meetings and duly considered the Report.

2. Lieutenant-Colonel Herbert resigned his membership of the Committee on account of indisposition and was not present at any of our meetings. Mr. A. D. Pickford was appointed in his place and took his seat at the fourth meeting of the Committee.

3. The limited time at the disposal of the Committee has prevented them from going into the constitution of the Medical Services and the desirability or otherwise of the separation of the Civil Medical Service from the Army Medical Service. The Committee is, therefore, unable to express any definite opinion on the proposals of the Esher Committee in this behalf.

4 The conflicting calls of various legislative duties have prevented a full attendance of members at all meetings, but at each meeting a substantial majority of members were present. We are unanimous in our recommendations excepting that our colleagues, Mr. Samarth and Mr. S. Sinha, dissent from the recommendation embodied in proposed draft resolution II hereunder in so far as its proviso is concerned. Mr. Samarth, Rai Jadu Nath Majumdar Bahadur, Sir Jamsetjee Jejeebhoy, Mr. S. Sinha and Lieutenant-Colonel Gidney dissent from the recommendation embodied in the proposed draft resolution III hereunder. Bhai Man Singh would prefer that proposed draft resolution VII should contain a proviso that, in selecting candidates for King's Commissions, regard should be had particularly to the interests of the classes that supply the greater number of men to the Army.

5. For the purpose of expediting the disposal of the subject in the Assembly and making it convenient for the members to propose any amendments or

[ Dr. T. B. Sapru and others.]  
alterations we have embodied our conclusions in the form of resolutions to be moved in the Assembly.

6. Our recommendations are contained in the following draft resolutions :—

I. This Assembly recommends to the Governor General in Council :

(a) That the purpose of the Army in India must be held to be the defence of India against external aggression and the maintenance of internal peace and tranquillity. To the extent to which it is necessary for India to maintain an army for these purposes, its organisation, equipment and administration should be thoroughly up-to-date, and, with due regard to Indian conditions, in accordance with present-day standards of efficiency in the British Army so that when the Army in India has to co-operate with the British Army on any occasion, there may be no dissimilarities of organisation, etc., which would render such co-operation difficult. For any purpose other than those mentioned in the first sentence the obligations resting on India should be no more onerous than those resting on the Self-Governing Dominions, and should be undertaken subject to the same conditions as are applicable to those Dominions.

(b) To repudiate the assumption underlying the whole Report of the Escher Committee :—

- (1) That the administration of the Army in India cannot be considered otherwise than as part of the total armed forces of the Empire, and
- (2) That the military resources of India should be developed in a manner suited to Imperial necessities.

II. This Assembly recommends to the Governor General in Council that the Army in India should not, as a rule, be employed for service outside the external frontiers of India, except for purely defensive purposes, or with the previous consent of the Governor General in Council in very grave emergencies, provided that this resolution does not preclude the employment on garrison duties overseas of Indian troops at the expense of His Majesty's Government and with the consent of the Government of India.

III. This Assembly recommends to the Governor General in Council that the absence of full responsible government in India, the differences in conditions between India and England, and the provisions of the Government of India Act do not warrant differentiation in the army administration between India and England in regard to the ultimate control of, and responsibility for, the defence of the country, and that, in view of the desirability of assimilating the system of administration in India to that in the United Kingdom, which has been arrived at after prolonged experiments, and the desirability of emphasizing the principle of the ultimate supremacy of the civil power, it is essential that the Commander-in-Chief should, without prejudice to his official precedence, cease to be a member of the Governor General's Executive Council, and that the Portfolio of Defence, including Supply, should be entrusted to a civilian member of the Executive Council, assisted by an Army Council including the Commander-in-Chief and other high military experts and a certain number of civilians, more or less on the model of the Army Council in England.

IV. This Assembly recommends to the Governor General in Council that if the Portfolio of Defence including Supply is not entrusted to a civilian member of the Executive Council as recommended above the proposal of the majority of the Escher Committee for the creation of a separate department for Production and Provision under a member of the Executive Council be not accepted, and that the proposal of the minority, namely, that the responsibility should be entrusted to a Surveyor-General of Supply, who should be a civil member of the Commander-in-Chief's Military Council, be accepted. This would seem to have the merit of being more logical and economical and would have the further advantage of avoiding the addition of a civil member to the Executive Council in connection with military administration.

V. This Assembly recommends to the Governor General in Council that :

- (a) The Commander-in-Chief and the Chief of the General Staff in India should be appointed by the Cabinet on the nomination of the Secretary of State for India in consultation with the Government of India and the Secretary of State for War.
- (b) In the case of Army Commanders who are officers of the Indian Army the appointment should be by the Secretary of State for India on the nomination of the Government of India.
- (c) Appointments to the offices mentioned against Serial Nos 3, 6, 7, 8, 10, 12 (Report Schedule annexed to Section VI) should be made in the manner proposed for Army Commanders.
- (d) The appointment of Secretary to the Military Department, India Office, should be made by the Secretary of State on the recommendation of the Government of India and after advice obtained from the Chief of the Imperial General Staff. He should, *ex-officio*, have the status of a Deputy Chief of the Imperial General Staff, and should have the right of attending the meetings of the Army Council when questions affecting India are discussed. He should not be under the orders of the Chief of the Imperial General Staff.

VI. This Assembly recommends to the Governor General in Council that the Commander-in-Chief's right of correspondence with the Chief of the Imperial General Staff should be subject to the restriction that it does not commit the Government of India to any pecuniary responsibility or any line of military policy which has not already been the subject of decision by them; copies of all such correspondence at both ends being immediately furnished to the Government of India and the Secretary of State for India :

VII. This Assembly recommends to the Governor General in Council :

- (a) That the King-Emperor's Indian subjects should be freely admitted to all arms of His Majesty's military, naval and air forces in India and the ancillary services and the auxiliary forces, that every encouragement should be given to Indians including the educated middle classes—subject to the prescribed standards of fitness, to enter the commissioned ranks of the Army, and that in nominating candidates for the entrance examination, unofficial Indians should be associated with the nominating authority.



[ Dr. T. B. Sapru and others.]

- (b) That not less than 25 per cent. of the King's Commissions granted every year should be given to His Majesty's Indian subjects to start with.

VIII. This Assembly recommends to the Governor General in Council :

- (a) That adequate facilities should be provided in India for the preliminary training of Indians to fit them to enter the Royal Military College, Sandhurst.
- (b) That the desirability of establishing in India a Military College, such as Sandhurst, should be kept in view.

IX. This Assembly recommends to the Governor General in Council that, in the interests of economy and in view of the likelihood of the growth of the Indian element in the commissioned ranks, it is essential that before vested interests arise, the pay of all commissioned ranks in all branches of the Army should be fixed on an Indian basis with an overseas allowance in the case of British officers and with a similar allowance for Indian officers holding the King's Commission, when serving overseas.

X. This Assembly recommends to the Governor General in Council that, in view of the need for the preparation of India to undertake the burden of self-defence and in the interests of economy, it is essential that a serious effort should be made :—

- (a) To organise and encourage the formation of an adequate Territorial Force on attractive conditions.
- (b) To introduce in the Indian Army a system of short colour service followed by a few years in the reserve.
- (c) To carry out a gradual and prudent reduction of the ratio of the British to the Indian troops.

XI. This Assembly recommends to the Governor General in Council that officers in the Indian Territorial Force should have the rank of 2nd-Lieutenant, Lieutenant, or higher rank, as the case may be, and that no distinction should be made between the Indian Territorial Force and the Indian Auxiliary Force in respect of the authority which signs the Commissions, and that officers in these two Forces should take rank *inter se* according to dates of appointment.

XII. This Assembly recommends to the Governor General in Council that no proposals for interchange of officers between the British and Indian Services should be carried out unless the following conditions are satisfied :—

- (a) That the cost to Indian revenues should not be thereby appreciably increased.
- (b) That such proposals should not be allowed to interfere with a steady expansion in the proportion of King's Commissions thrown open to Indians in the Indian Army.
- (c) That the interchange of British officers should, in no way, affect the control of the Government of India over the entire Army in India.

XIII. This Assembly recommends to the Governor General in Council that, having regard to the creation of two additional Commands in India,

the Government of India do consider the expediency of reducing the size of the administrative staff at Army Headquarters.

XIV. This Assembly recommends to the Governor General in Council that, as soon as the external and internal conditions of India permit, the Governor General in Council should, with the concurrence of the Secretary of State, appoint a Committee adequately representative of non-official Indian opinion for the purpose of examining and reporting upon :

- (a) The best method of giving effect to the natural rights and aspirations of the people of India to take an honourable part in the defence of their country and prepare the country for the attainment of full responsible government which has been declared to be the goal of British policy ;
- (b) The financial capacity of India to bear the burden of military expenditure ;
- (c) Her claim to equality of status and treatment with the Self-Governing Dominions ; and
- (d) The methods of recruitment to the commissioned ranks of the Indian Army.

XV. This Assembly recommends to the Governor General in Council that Anglo-Indians should be included in the terms 'Indian subjects' or 'Indians,' wherever such terms occur in the above resolution.

7. The Committee desires to express its deep sense of obligation to Sir Godfrey Fell for the most valuable assistance it has received from him throughout its deliberations, and to acknowledge the kind and helpful services of its Secretary, Lieutenant-Colonel Lascelles.

T. B. SAPRU.  
 SHAHAB-UD-DIN.  
 N. M. SAMARTH.  
 P. S. SIVASWAMY AIYER.  
 T. RANGACHARIAR.  
 JADU NATH MAJUMDAR.  
 JAMSETJEE JEEJEEBHOY.  
 H. S. GOUR.  
 S. SINHA.  
 MAN SINGH.  
 N. M. JOSHI.  
 J. N. MUKHERJEA.  
 P. P. GINWALA.  
 A. D. PICKFORD.  
 H. A. J. GIDNEY.

DEHLI :

*The 19th March, 1921.* }

## THE INDIAN EMIGRATION BILL.

**Mr. C. A. Innes:** Sir, I beg to ask that the introduction of the Emigration Bill may be postponed till later on in the day in order that the introduction may be made by the Honourable Sir George Barnes who is at present in the other Chamber.

**The Honourable the President:** I think the Honourable Member might move for leave to introduce the Bill and then move the adjournment of the debate.

**Mr. C. A. Innes:** Sir, I beg to move for leave to introduce a Bill to amend the law relating to Emigration.

I also beg to move that the debate on this Bill be adjourned until later on in this day.

The motions were adopted.

## THE HINDU TRANSFERS AND BEQUESTS (CITY OF MADRAS) BILL.

**Mr. T. V. Seshagiri Ayyar:** Sir, I beg to move that the Bill to declare the rights of Hindus to make transfers and bequests in favour of unborn persons in the City of Madras be taken into consideration.

It is hardly necessary to explain to the House the reasons underlying this Bill again, as I fully explained everything that was necessary in connection with the Bill the other day; and the Statement of Objects and Reasons which I have appended to the Bill gives all the arguments which led me to introduce the Bill. I therefore move that the Bill be taken into consideration.

The motion was adopted.

**Lala Girdharilal Agarwala:** Sir, I wanted to move an amendment.

**The Honourable the President:** The Honourable Member is too late. I understood he was going to discuss the Bill. The Assembly has decided here and now to take it into consideration.

**Mr. T. V. Seshagiri Ayyar:** I move that the Bill be passed into law.

The motion was adopted.

## THE TRANSFER OF PROPERTY (AMENDMENT) BILL.

**Rao Bahadur T. Rangachariar:** Sir, I beg to move for leave to introduce a Bill further to amend the Transfer of Property Act, 1882.

Honourable Members are aware that the Transfer of Property Act, 1882, deals with certain methods of transfer, and provides regulations for sales of property, mortgages, gifts, etc.

It will be observed that section 54 of the Act provides that sales of immoveable properties of the value of one hundred rupees and upwards can only be made by a registered instrument. Section 118 relating to exchanges makes section 54 applicable to exchange transactions.

Section 107 relating to leases of immoveable property and for any term exceeding one year can be made only by a registered instrument. On the other hand, section 59 which deals with mortgages states that, where the principal money secured is one hundred rupees or upwards, a mortgage can be effected only by a registered instrument signed by the mortgagor and attested

by at least two witnesses. A similar provision is to be found in the case of gifts in section 123. Honourable Members will therefore see that there is a difference between the two forms of document, but in the case of sale, exchange and leases there is no clause required, as to the attestation by two witnesses at least, but in the case of mortgages and gifts the clause appears. Now the question which arises is, why should this difference be observed between the various classes of documents as regards the Transfer of Property Act? The question is becoming very important since the decision of the Privy Council in 35 Madras which I will refer to at once. The differences and inconveniences in the law happens to come into prominence only when such documents have to be proved or enforced in Courts of law. Sections 68 to 71 of the Indian Evidence Act deal with this subject of proof. Proof is one thing, but validity is another. Section 70 of the Evidence Act makes proof a document required by law to be attested easy enough. So far as proof is concerned, there is not much difficulty for the mere admission of execution is enough. As to the validity of the instrument the matter is different. Now the theory of attestation and the reason for requiring a particular kind of proof is not, as is supposed, that proof by the attesting witness is the best evidence, but that he is the person appointed or agreed upon by the parties to depose to the circumstances attending its execution.

The real and essential object of attestation is stated to be 'protection against forgery, force, fraud or undue influence.'

The Privy Council decision in 35 Madras points out that attestation is intended by the Legislature as a 'safeguard which the law intended to impose against the perpetration of frauds' and as a 'barrier against perjury and fraud.'

But when we come to examine as to what is exactly necessary under the law as it is administered to prove a document required by law to be attested, we find anomalies arising, which I will at once point out. The substance is ignored and the form alone is adhered to. Reference may be made to a few decisions which were passed prior to the passing of the Privy Council decision in 35 Madras, notably to a case in 26 Allahabad, on page 69, where the learned Judges in holding that attestation in section 59 does not mean only attestation of the execution of the deed in the presence of witnesses, but includes also attestation after execution of the deed of the acknowledgment by the executant of his signature on the deed, and adverted to the social institutions of this country in which it may be extremely difficult, if not impossible, to obtain evidence of actual execution by a *Pardanashin* woman. But the Privy Council over-ruled that decision in 35 Madras. 'The person,' they say, 'must be present and see what passes and must actually see the hand moving.' Otherwise it is not valid attestation. In placing this strict and limited construction reliance is placed on the language of the old Wills Act under which, by virtue of the language used therein, it is pointed out that the witness may attest either on witnessing the actual execution or on acknowledgment by the executant as an alternative. It is now settled law that an attesting witness must witness the actual execution of the document. That is how they put it. Now, admission of the executant, though it is sufficient proof against him under section 70 of the Evidence Act, is not sufficient to render it valid unless the attesting witness is proved to have seen the actual execution. In a later case, in the Privy Council decision in 37 Allahabad 474, their Lordships held that the requirements of the law in that case were complied with on the facts. The attesting witnesses were well acquainted with the

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voice of the ladies, and though they were seated behind a *pardah*, the witnesses recognised the ladies by their voices and they saw the hand moving through the chicks; and therefore, they held that it was sufficient. But in 45 Calcutta 753, the proof forthcoming was held insufficient where it was found that though none of the witnesses saw the executant, a *Pardanashin* lady, sign it, her son took the document to his mother for signature and said it had been signed by her. The words used in the Transfer of Property Act being 'attested and not acknowledged' the Court held that that was not sufficient proof.

In a very curious case in Madras, in 17, Madras Weekly Notes, 583, their Lordships, Justice Sadasiva Ayyar, who has considerable experience in these matters, and Justice Spencer, who is also an experienced Judge, said that even where the defendant admitted execution of what purports to be a mortgage, they were bound by the Privy Council decision and held that the transaction would not be a valid mortgage if the defendant did not admit that it was attested by two witnesses, who saw him execute it, or if it is not proved that it was attested by two witnesses who saw the execution, that is, the hand moving. If perchance the witnesses though present were absentminded or did not recollect having seen the actual execution though they honestly believed it was so executed, such testimony would not be enough. Section 71 of the Evidence Act, as I have already stated, provides in such cases for proving execution. But proof and validity are two different things. The rigour of the law is such that it is held that the mark or signature must have been affixed in the presence of the witnesses. In another curious case in 25 Madras Law Times, 20, it was found that the two witnesses actually saw the execution of the mortgage by one executant—the document was executed by two people—the other man was in jail. These two witnesses went to jail to witness the execution of the deed in the jail by the convict. They went there, they saw the other man execute the document, but they did not attest again, although the document was signed by both the executants in the presence of the witnesses, the two witnesses having attested before the other man signed the document. The Court held that so far as the co-executant was concerned, there was no valid mortgage, and therefore no relief could be given.

The Legislature has therefore imposed very stringent conditions in the case of a mortgage. The question now for consideration is whether any change in the law is necessary? If the provision as to attestation is intended to be a safeguard against fraud and perjury, such a protection is no more necessary in the case of mortgages and gifts than in the case of sales. The anomaly of the position becomes clear when we see that a mortgage, say for Rs. 100, is regarded as a more solemn transaction and requires a stronger and stricter form of execution than a sale of lands worth several lakhs of rupees. The law is supposed to assume that the parties have agreed that the attestors are to be the witnesses for the transaction. Why such an assumption is necessary or useful only in the case of a mortgage it is difficult to see? The provision is clearly not justifiable on the ground of logic, and the Legislature saw this and in Act XVI of 1917 a palliative measure was adopted so far as the United Provinces were concerned. By that enactment it was enacted that mortgages or gifts executed before 1915 are valid though the witnesses did not see the executant sign the document, provided that the witnesses received from the executant a personal acknowledgment of the same. My view, Sir, is that this does not go far enough. The formalities in the law are so strict that it is very doubtful if the ordinary litigant or executant of a

document at all realises that there is any difference between sales and mortgages. The matter becomes of practical importance only when the matter comes into Court. In the case of *Pardanashin* ladies, real hardships are caused, and the case in 45 Calcutta 740, which I have already referred to, illustrates this clearly. And in 14 Calcutta Weekly Notes 168 their Lordships of the Calcutta High Court say that a strict interpretation of the word 'attest' would upset a frequent practice in cases of execution by *Pardanashin* ladies and in many cases would make attestation of signatures almost impossible.

The necessity for attestation in English law seems to be based on historical reasons, and the introduction of such a thing in India for the documents in question is wholly anomalous. Even in regard to wills, acknowledgment of execution is enough. Uniformity in the law as regards the various provisions is highly desirable. It cannot be said that mortgagors are now practically protected by this safeguard. Cases of undue influence and fraud are as common or as rare in the case of mortgages as in the case of sales. But the procedure in this country relating to registration affords ample protection and safeguard against such practices and also secures due publicity. It is true the Privy Council in 35 Madras 317 do not lament the strictness of the law, but say 'that the social institutions of the country make it necessary that these barriers against perjury and fraud should not be removed'. But one may venture to differ from that august body at least in this Assembly. If the executant intended to and did execute the mortgage recited in the deed, and if the execution is acknowledged openly before, and vouched for by, public officers of the standing of Sub-Registrars, that ought to be a sufficient protection against any perjury or fraud. Moreover, the transactions come to be investigated in Courts long after they took place. Honourable Members will remember that the period of limitation for mortgages is 60 years and when a plea is taken of no valid execution, after the original parties to the transaction are dead or are not available, just claims stand serious risks of being negatived unless the parties are able to secure false evidence. Even if the attesting witnesses are present in the room and they are careless enough to be non-observant and though there is no earthly doubt as to execution, if they did not actually observe the hand moving, the document is invalidated. Where we have an elaborate machinery provided for getting documents registered by responsible public servants, such artificial safeguards are altogether uncalled for and unmeaning. If the executant does not appear to admit execution elaborate provision is provided by section 33 to secure a duly authorised person to admit execution. What is the guarantee that if a man is prepared to practise a fraud he will not arm himself with two witnesses to see to the execution or to swear they saw the executant sign? Any two witnesses are enough. No qualification is imposed by law. It is an illusory safeguard against fraud, undue influence or coercion. On the other hand, it encourages false defences and offers a premium to perjured evidence and imposes conditions which are very difficult of fulfilment. I have known cases where a careless pleader's omission to ask the attesting witness the exact question has been taken advantage of in appeal and the validity of the document impugned, because there is no evidence that they actually saw the executant sign. The Act of 1917 does not go far enough. It does not apply to all provinces, though it may be made applicable. The existing law makes an unnecessary and unmeaning distinction between the various classes of transfer *inter vivos*. It is not in conformity with the actual practice in the country. Oftentimes witnesses are called in to attest after execution and they

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are perforce compelled to say that they saw the execution, when in fact they did not.

I beg leave to introduce the Bill.

**Dr. H. S. Gour :** While I fully sympathise with the mover of this Bill in his effort to stamp out a growing evil, I do not think that the remedy he has proposed will stop the evil at all. Sir, the subject of law is always an unsavoury subject in a mixed audience of lawyers and laymen. But I shall very briefly state, for the information of this House, what the defects are which the Honourable Mover seems to remedy. The Transfer of Property Act recognises five classes of transfers. I give them in their more logical order than they occur in the Transfer of Property Act. The first class of transfer is a sale where a property is sold outright in favour of the purchaser or vendee. Akin to the sale is a gift where a property is given away without any consideration. Next comes in exchange where one property is transferred in exchange for another property. Then come two other classes of transfer, namely, leases and mortgages. A lease, as everybody knows, is the creation of a limited right over one's property in favour of another, and a mortgage is also the creation of a similar right in which the remedy is very often postponed. Now the Transfer of Property Act, as at present constituted, requires that there should be no attesting witnesses to evidence a sale, it being an out and out transfer of property and rights, past and present, that the vendor had to give in favour of the purchaser, and the Transfer of Property Act therefore does not require the presence of two attesting witnesses for the purpose of effecting a valid conveyance. The same law holds good in the case of exchange, but when we come to a gift the law lays down—and lays down in very unmistakable terms—that it requires two attesting witnesses to validate a deed of gift. I advert to these facts because, as Honourable Members will presently see, if the Honourable Mover's Bill is logical, all his arguments applicable to the case of a mortgage apply equally to the case of a gift and while he seeks to remedy a defect in section 59 of the Transfer of Property Act, he leaves alone . . .

**Rao Bahadur T. Rangachariar :** I have moved for amending both.

**Dr. H. S. Gour :** I see. He also seeks to amend section 123 of the Transfer of Property Act dealing with gifts. Now, Sir, so far as the mortgage is concerned, it is perfectly true that till the decision of their Lordships of the Privy Council the High Courts in India were divided, and sharply divided, on the subject of what constituted attestation. According to one view, a person was a competent attesting witness if he subscribed his name to a document after having seen with his own eyes the executant or the mortgagor signing his name in his presence and in the presence of his co-attesting witnesses, and if he did not see the mortgagor sign in his own presence and in the presence of his co-attestor, the whole mortgage-deed was considered invalid. According to the other High Courts the view was that it was not necessary for the purpose of a valid mortgage that the attesting witnesses should have actually seen the executant affix his signature in their presence. It would be sufficient if, half a moment after the attesting witnesses were called in to subscribe their name, the executant admitted to them that he had affixed his signature to the mortgage-deed. In the conflict of the law, a case went up to their Lordships of the Privy Council and in a

considered judgment their Lordships ruled in favour of the first view, that is to say, their Lordships of the Privy Council adopted the narrower construction of what constitutes attestation within the meaning of section 59 of the Transfer of Property Act, and the result of this narrower construction has been, as pointed out by the Honourable Mover, that the price of attesting witnesses has gone up by leaps and bounds. It has led to an increase of perjury to an alarming extent. I have known cases in my own practice where persons were made to write 'Signed by A. B. the mortgagor in my presence' and afterwards when they were called upon to depose they said 'Yes, they have written so, but all this is simply a reproduction of what the mortgagor said. He said 'I have signed. It is as good as my signature. The mortgage-deed is executed by me. You can subscribe to it and I have done so'. In other words, the result has been that a number of suits founded upon a good mortgage have been thrown out by the Courts, and the first thing that a litigant now does before launching a suit on his mortgage is to make sure that his attesting witnesses are loyal to him and it leads to an amount of perjury and subornation against which the Act of 1918 to which the Honourable Mover referred in his opening speech was intended to give some relief. Now, Sir, two courses are open to this House: The first is to do away with the attestation clauses altogether, both in the case of a mortgage, as well as in the case of a gift, and the second thing is to assimilate our law to the Act of 1918, that is to say, legalise the second view which was taken by the High Court and overruled by the decision of the Privy Council; and the question before the House is, which of the two courses should be adopted. Now the Honourable Mover says adopt the first course, namely, do away with the attestation altogether. My submission is it would not satisfy the ends of justice. The better course that appeals to me is that we must assimilate the present law to the law of 1918 and enlarge the provisions of section 59, and, if necessary, also of section 123, by legalising an attestation in the second sense to which I have just adverted. We—I and the Honourable Mover—therefore are at cross-purposes, not upon the evil which he has very clearly pointed out, but upon the remedy which that evil is intended to control and check, and it is upon this point, therefore, that I wish to address this House.

The Honourable Member has pathetically mentioned the case of *Pardanashins* and said that in the case of a *Pardanashin* lady it is almost physically impossible for the attesting witnesses to see the fair hand affixing its signature to a deed, and the result therefore of the existing law is that *Pardanashin*, by the very necessity of the case, are disqualified to execute deeds of mortgage and of gift. He has further pointed out that registration in any case is a sufficient safeguard against any evil of a deed being executed by imposition or fraud. Now, Sir, I wish to address you on these two questions.

As regards the *Pardanashin* lady, it is perfectly true that in some cases it has been laid down that unless the attesting witnesses have actually seen a *Pardanashin* lady affixing her signature to a deed, it is not a sufficient attestation. But it is equally true that the contrary has been laid down more recently by their Lordships of the Privy Council. But whether the view of the Privy Council inclines to one or the other view is not really the main question. The question before us is: Shall we do away with the attestation clause altogether, and, if we do away with that clause, shall we have done away with the evil from which the country suffers? Now, I submit that my Honourable friend, the Mover of this Bill, has not



[ Dr. H. S. Gour.]

taken sufficient account of the peculiar nature of a deed of mortgage and a deed of gift. He has pointed out that in the case of a mortgage, the period of redemption may be as much as 60 years, and what a person mortgages may be redeemed or foreclosed years and years after he is gathered to the majority. Now in that case it is essentially necessary that beyond the mere fact of registration, there is some safeguard against imposition and fraud, not to mention undue influence, and in England as well as in all other civilised countries, so far as I am aware, the only check that the law affords is that two respectable witnesses shall attest the deed and be ready and willing to swear that they were present at the time of execution, and can testify to all the attendant circumstances. Now, how can the mere fact of registration do away with the necessity of this? All that the Registrar is called upon to do under the Registration law is to see that the executant admits the execution of the deed. It has been laid down in several cases that it is not the duty of the Registrar to hold an inquisitorial inquiry into the mental condition of the executant, or the circumstances reflecting upon the validity of the deed. His sole duty is to satisfy himself that the mortgage or deed was executed and its execution admitted by the executor. That is all that the Registrar is called upon to do. That is all the Registrar is bound to do. That is all the Registrar in the generality of cases actually does in practice . . . .

**The Honourable the President:** I am not quite sure at what stage of his argument the Honourable Member is, but I may remind him that the standing order, under which the introduction of a Bill may be opposed, admits a brief explanatory statement by the introducer of a Bill and by the Member opposing. I allowed the Honourable Member, who moved for leave to introduce, a period a little shorter than the Honourable Member is now opposing the Bill. I think his time has expired. However, if he requires a minute or so to complete his argument, I will give him a minute but not more.

**Dr. H. S. Gour:** I hope, Sir, that I shall be able to complete my opposition to the Bill in a very short time. It is a technical subject and the Honourable Members of the House are anxious to listen to me, and I hope you will stretch the point a little.

**The Honourable the President:** No doubt it is a technical subject, but on a motion for leave to introduce, it is not permissible to go too deeply into the technical details of the subject. If a Member wishes to oppose the introduction of a Bill, the rule clearly indicates that the opposition must be on the ground of broad principle and not on a distaste for this or that detail in a Bill. That is why the discussion is restricted to a brief period.

**Dr. H. S. Gour:** Yes, Sir, I am confining my remarks entirely and solely to the principle of the Honourable Mover's Bill.

Now, I shall just point out that so far as the attendant circumstances relating to execution are concerned, they can only be known to persons who are present at the time of execution, and therefore the presence of two attesting witnesses is essentially necessary. Now, in the case of a gift it is absolutely necessary that there must be two attesting witnesses. A *Pardanashin* woman may be imposed upon by her relations or by her friends, and she may affix her signature to a deed, the contents of which she does not understand. She may go before the Registrar, and on her answer to the single question

'Have you put your signature or not to the deed?', which will be 'Yes', the deed will be executed, and all that she has signed away under the deed of gift will pass to the donee, though the lady may be oblivious of all that has taken place and of all that is written in the deed. I therefore submit that on first principles it is absolutely essential that both the mortgage as well as the gift must be attested, and on that ground I oppose the Honourable the Mover of the Resolution which does away with the attesting witnesses altogether.

**Mr. T. V. Seshagiri Ayyar :** I rise to a point of order, Sir. Is it necessary that everyone who rises to speak now must only rise to oppose the motion, or can he rise to meet the arguments advanced against the introduction?

**The Honourable the President :** If Members will refresh their memories, they will remember that I laid it down as the interpretation of Standing Order 37, at an early period in this Session, that that is to have the same effect as what is known as the 10 minutes rule in the House of Commons, under which the Member introducing a Bill makes 'a brief explanatory statement' (those are the words of Standing Order 37) and all that is permitted thereafter is a similarly brief explanatory statement from a Member who wishes to oppose the Bill. In point of fact, I think the Speaker of the House of Commons has actually laid down that he will not call on a Member to oppose the Bill unless the Member wishes to oppose the Bill to the extent of dividing the House against it. I repeat that ruling. Therefore this stage came to a close when Dr. Gour resumed his seat.

The question I have to put is :

'That leave be given to introduce a Bill further to amend the Transfer of Property Act, 1882.'

**Mr. J. Chaudhuri :** Sir, may I rise to a point of order? I think Dr. Gour will withdraw his opposition if the Member agrees to circulate the Bill, and in that case we need not press this to a division.

**The Honourable the President :** This is only a motion for leave to introduce the Bill. It is the first of several stages. If Dr. Gour wishes to oppose the introduction, he is perfectly at liberty to do so; but in another 1½ minutes I shall put the question again and perhaps he will take that minute and a half to consider whether he wishes to put the House to the trouble of a division.

**Mr. Amjad Ali :** With your permission, Sir, I will say this much only that Dr. Gour, after the introduction of this Bill, has spoken something quite irrelevant.

**The Honourable the President :** It is very irregular to address the House during the process of a division. Points of order are allowed, but they should be strictly related to the issue before the House, which is whether a division should be taken or not. If any irregularity occurs during the taking of the division, then it is the duty, of course, of Members to draw the attention of the Chair to it; but any other form of addressing the House is irregular and will be ruled out of order.

The question is :

'that leave be given to introduce a Bill further to amend the Transfer of Property Act, 1882.'

The motion was adopted.

**Rao Bahadur T. Rangachariar :** I beg to introduce the Bill.

## THE INDIAN FACTORIES (AMENDMENT) BILL.

**The Honourable the President :** I have received a message from the Secretary of the Council of State :

‘ I am directed to inform you that the message from the Legislative Assembly to the Council of State, desiring its concurrence in the Resolution to the effect that the Bill further to amend the Indian Factories Act, 1911, be referred to a Joint Committee of the Council of State and of the Legislative Assembly, and that the Joint Committee do consist of 12 members, was considered by the Council of State at its meeting to-day, and that the Resolution was concurred in by the Council of State.

### COMPOSITION OF JOINT COMMITTEE.

The following members of that body were nominated to serve on the Joint Committee, namely :—

The Honourable Sir Alexander Murray.

The Honourable ~~Sr~~ Maneckji Dadabhai.

The Honourable Mr. Lalubhai Samaldas.

The Honourable Mr. W. G. Kale.

The Honourable Mr. Monieriff Smith.

The Honourable Mr. A. C. Chatterjee.

**The Honourable Sir Thomas Holland :** Sir, I beg to move :

‘ That the following members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill further to amend the Indian Factories Act, 1911, namely :—

Mr. N. M. Joshi.

Mr. Jamnadas Dwarkadas.

Mr. Seshagiri Ayyar.

Mr. Rahimtoola Currimbhoy.

Rai Bahadur Bishambar Nath.

and the Mover.’

The motion was adopted.

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## THE INDIAN EMIGRATION BILL.

**The Honourable the President :** We will resume the debate on the motion for leave to introduce a Bill to amend the law relating to emigration.

**The Honourable Sir George Barnes :** Sir, I understand that during my unavoidable absence this morning you were good enough, with the concurrence of the House, to adjourn this debate for my convenience. May I first, Sir, tender my best thanks to you and to this House for their courtesy?

I want first to make it clear that we do not wish to proceed with this Bill during the present Session. Our only object is to introduce the Bill, to lay it on the table of the House, and invite criticisms both in the public press and elsewhere, until the next Session, when I shall be no longer here to take charge of the Bill, but my Honourable friend and colleague Mr. Sarma will see it through its remaining stages. You will see, Sir, that the proposal is to repeal the old Emigration Act and to substitute a new Act. This course has been taken instead of making the necessary changes by means of an

amending Bill, because the necessary amendments are very substantial and because as I think every Honourable Member will agree, it is more convenient to have all the law on the subject in a single Statute. Legislation by reference to another Statute is always confusing, and in this case it is easy and seems wise to avoid it.

I propose first to try to explain why legislation of some kind is necessary at the present time. Then I will refer to the main features of the Bill, and lastly, I should like to lay before this House the general lines of policy with regard to Indians overseas which Lord Chelmsford's Government have endeavoured to follow.

To deal with the first of these three points;—indentured emigration, as every Honourable Member of this House is aware, is dead, but it is necessary to safeguard ourselves against its resurrection in any form. Indentured emigration was killed in 1917, but the weapon by which it received its death blow was not a Statute, but a Rule made under the Defence of India Act. The Rule is still in force because the war has not yet officially come to an end, but the Defence of India Act cannot look for much longer life, and the Rules which were made under the Act will of course expire when the Act itself comes to an end. If the Rule of which I have spoken did not stand in the way, indentured emigration would still be lawful under the Emigration Act. I have said enough, Sir, on this point to convince Honourable Members that some step must be taken in the near future to make the position secure when the Defence of India Act expires. There must be some new enactment to take the place of the existing Rule. I am well aware that there are some people in this country who are opposed to emigration altogether, and would like to keep every Indian in India. This attitude is due partly to the disabilities to which Indians have been, and are still, frequently subjected overseas, and partly no doubt to the old religious objection to crossing the water. Those who would prohibit emigration of every kind are, I believe, only a small minority in this country, and I believe the views of that minority to be ill-founded and wrong. History tells us that no nation has ever been really great in the world which tried to keep all its nationals within its own borders. No people will flourish who are content to shut themselves up inside a ring fence. If this view, which I believe to be sound, is accepted by Honourable Members, I think that they will also accept the view that, for the present at all events, it is necessary to place some control on the emigration of unskilled labour so as to prevent, as I said before, any possibility of the revival of indentured emigration. In the Bill which Mr. Innes seeks to introduce we have tried to frame safeguards for the help and protection of would-be emigrants in this country and for their help and protection in the land of their adoption. I do not propose to go through the Bill clause by clause, for that is done in the Statement of Objects and Reasons attached to the Bill. I believe that it will be more helpful to Honourable Members and save the time of this House if I refer only to the clauses which seem to me to be vital. The class of workers which most needs help and protection is obviously that of the unskilled worker, and in this category the agricultural colonist is included, and with regard to him the most important protection the Bill affords is to place in the hands of the Indian Legislature the power to decide in each case whether the emigration of unskilled workers should be permitted or prohibited. The machinery with which we propose to attain this end is contained in clause 10 of the Bill. The first half of that clause declares that emigration for the purpose of unskilled work shall not be lawful except to such countries and on such terms and

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conditions as the Governor General in Council, by notification in the Gazette of India, may specify in this behalf. The notification will be the formal act, but the power will rest with the Council of State and the Legislative Assembly, for by the latter part of clause 10 it is declared that no notification shall be made unless it has been laid in draft before both Chambers of the Indian Legislature and has been approved by a Resolution of each Chamber, either without modification or addition, or with modifications and additions to which both Chambers agree. The net result of this clause of the Bill is that emigration of all unskilled labour will be forbidden unless and until both Chambers of the Legislature agree that the door should be opened. This will give the two Houses of the Legislature opportunities to scrutinise each scheme and opportunities also to lay down such conditions as they may in each case think necessary in the interests of the emigrants. It would, for example, be within the powers of the two Houses of the Legislature to refuse approval to any scheme of emigration of unskilled workers to any country, where Indians do not enjoy the same political rights as other classes of His Majesty's subjects. By these means we hope that the status of the unskilled emigrant will be improved, and with the improvement of his status will follow an improvement in his material condition. I am glad to put it on record that we firmly believe that the power which the Bill proposes to put into the hands of the two Houses of the Legislature will be exercised wisely and prudently. I should like also to put it on record that we think that the policy ought to be not only to permit, but even to encourage, emigration to countries where Indians enjoy the same political rights as other classes of His Majesty's subjects. In this way we shall find an outlet for our surplus population and open up a more prosperous career for our depressed classes. In this way we shall extend our commercial and economic influence, and last but not least, we shall give Indians a wider outlook on the world generally.

There is another clause, Sir, of real importance to which the special attention of this House should be called. Under clause 7 power is taken to appoint agents of the Government of India overseas—I am glad to see a smile of approval on the face of Sir Sivaswamy Ayyar. Of course, this power can only be exercised with the permission of each Government concerned. We have no reason to believe that the appointment of an agent to the Government of India in the various places where there is a large Indian population, would be deprecated by any Government, but, on the other hand, we have some evidence that it would be welcomed. These proposed agents would of course take their instructions from, and be answerable to, the Government of India only. The duty of the agent would, I take it, be first to keep the Government of India informed of all matters which affected the welfare or status of the Indians under the Government to which he was accredited. He would further of course be at the service of any members of the Indian community who might wish to seek his advice.

This is an entirely new proposal and one which, I believe, will command the approval of the people of this country and will be welcomed by the Indians who have sought their fortune abroad.

What I have said so far concerning the control to be placed on emigration applies to unskilled emigrants. It is the unskilled workers who require the greatest measure of help and protection from the Government, and the Bill endeavours to give it to them. The skilled worker is in a very different

position to the unskilled worker. He is much more capable of looking after his own interests, and consequently requires less help and protection from the Government. At the same time we feel that the emigration of the skilled worker should be under some measure of control, and that the Government should give him some measure of protection. Those who have studied the Emigration Act of 1908 will remember that Chapter XI dealt with the emigration of skilled workers. Its provisions have worked well in the past, and we propose to preserve them in the new Bill. You will find the measure of control which we propose should be applied to skilled workers in clause 16 of the Bill, which provides that whoever desires to engage, or to assist, any person to emigrate for the purpose of skilled work, shall apply for the permission of the Local Government having jurisdiction at the port of departure, and shall state in his application certain information including particulars of the accommodation to be provided before leaving India and during the voyage, the provision to be made for the health and well-being of the skilled worker during the period of the proposed engagement and for the return journey at the end of the engagement. Further, the terms of the agreement must be set out and security given for the due observance of the agreement and generally for the proper treatment of the worker.

We believe that this machinery will prove in the future, as it has in the past, effective for the protection of the skilled worker. The decision whether the skilled worker should be allowed to proceed or not is under the Bill left to the Local Government, which has the advice of the Protector of Emigrants with regard to each individual skilled worker who wishes to leave the country.

The Bill, I may mention, also gives the Governor General in Council power in clause 21 to prohibit emigration of skilled workers to any country, if it appears that sufficient reasons exist for prohibition. By these means we believe that both the unskilled and skilled worker will be efficiently protected. The Bill does not provide for any control over free emigration, that is to say, cases where the emigrant wishes to leave India without any assistance from anybody. It would, we think, be wrong to endeavour to hamper or control free emigration. It would be an unjustifiable interference with the liberty of the subject. No nation, so far as I am aware, controls free emigration. Free emigration presupposes a certain amount of intelligence, money and enterprise, and in cases of this kind we think we ought to leave the individual to decide for himself.

These, Sir, are the main principles of the Bill on which we invite criticism, but before I sit down I want to refer, as I stated at the outset, to the general lines of policy, with regard to Indians overseas which have guided Lord Chelmsford's administration during the past five years. In March 1916, Lord Hardinge just before he left this country made his announcement that indentured emigration ought to cease, but, at the same time, made it clear that he thought that—

‘The existing system of recruiting must be maintained until the new conditions under which labour should be permitted to proceed to the Colonies should have been worked out in conjunction with the Colonial Office and the Crown Colonies concerned; until proper safeguards in the Colonies should have been provided; and until they should have had reasonable time to adjust themselves to the change;—’

a period which Lord Hardinge said must necessarily depend on circumstances and conditions imperfectly known at the time of his speaking. Lord Hardinge, in the speech to which I am referring, expressed his confidence that

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as the policy of the abolition of the system of indentured emigration had been then finally accepted and would be carried out, India could afford to accept the necessary delay in a reasonable and generous spirit. We, Sir, are glad to think that India had not to await as long even as Lord Hardinge apparently anticipated, and still less had she to wait for the period of five years which others at that time thought would be necessary. As I have already told this House, indentured emigration came to a final end the following year,—in 1917. This was an important event, for no one who has studied the subject can doubt that the status of Indians generally has suffered by the emigration policy of the past. People who had no knowledge of India have in many cases been led to think that the indentured labourers were a fair sample of the Indian people. They knew nothing of our Universities, of our men of learning, of our merchant princes or our captains of industry. If we can once put our emigration policy on sound lines, we shall do something towards improving the status of Indians in every part of the world. The relations between India and the Dominions, I am bound to acknowledge, have never been quite satisfactory, but now that India has been admitted an equal member of the Imperial Conference and her representatives take their seats in the great Council of the Empire, I feel that there are strong hopes for the future. There has already been some improvement, and I confidently look for more.

At the Imperial War Conference of 1917, Mr. Chamberlain moved a Resolution in favour of reciprocity of treatment between India and the Self-Governing Dominions, and in the course of his opening speech said—

‘We are anxious that the entry of India into these Conferences should pave the way to a better understanding between India and the other Dominions, and we hope that in time with that better understanding and with patience and forbearance on both sides we may arrive at a solution of some of the difficulties which we have hitherto been unable to solve.’

At this meeting the principle of reciprocity was supported by Lord Sinha and by all the representatives of the Self-Governing Dominions, and at the Imperial War Conference held in 1918 the question of reciprocal treatment was again brought up by Lord Sinha, and a valuable memorandum, which has since been published, relating to the disabilities of Indians overseas, was laid by him before the Conference. On Lord Sinha’s motion a Resolution was passed which makes it perfectly clear that the right of India is recognised to enact laws having the effect of subjecting British citizens domiciled in any other British country to the same conditions in visiting and residing in India as those imposed on Indians desiring to visit and reside in such countries.

After the passing of this Resolution, the Government of India of course considered anxiously and carefully whether legislation in this country on reciprocal lines would be a wise step, in other words, whether legislation would result in any material benefit to India or the Indians overseas. We came to the conclusion that legislation would not help us towards our goal. Any legislation undertaken would of course in some way or other restrict the coming to this country of Australians, Canadians, South Africans and New Zealanders with the intention of residing and settling here. So far as I know, we have hitherto had no immigrants from the Dominions with the object of settling in India. Nor are any immigrants likely to present themselves, for climatically the country is not suited for settlement by persons whose home is in the higher latitudes. Restrictive legislation would consequently be in a great measure

futile. Though futile any such legislation would nevertheless have a flavour, something more than a flavour of retaliation about it. History tells us that retaliation is seldom a successful weapon, even when it injures the person against whom the retaliation is directed, and I think that it follows that a measure which has the disadvantages of retaliation but at the same time is incapable of inflicting an injury, is a weapon which the wise man will refrain from using.

What we want are better relations with the Dominions. We want a full recognition of equality and of citizenship, and I submit that pin-pricks will not help us to that end. We should prefer to build on firmer foundations,—the foundations of mutual good-will and respect. Each year of late we have made some progress, but I am bound to acknowledge that the progress has been slow. The progress, however, is real, and will continue, especially if India continues to send her best men to the great Councils of the Empire, men like Lord Sinha and Mr. Sastri, who are capable of holding their own with the first statesmen of the Empire. The sending of Sir Benjamin Robertson and Mr. Corbett by the Government of India to South Africa in order that they might place the case of the Indians settled there before the South African Commission has, I am sure, been fruitful of good results by the removal of misconceptions and the creation of a better understanding in a part of the world where the difficulties of Indians have been most acute. The very full statement made by Sir Benjamin in South Africa has just been published, and I commend it to the study of Honourable Members. Sir Benjamin and Mr. Corbett, as Honourable Members know, also visited Tanganyika, British East Africa, and Uganda, with equally good results, for we have thereby got an accurate knowledge of the grievances of the Indians settled in these places, and we know that their visit has had the effect of putting fresh heart into these Indians and of making them realise that their mother country has not forgotten them.

Throughout his term of office His Excellency the Viceroy has worked strenuously and persistently for the uplifting of the status of India and of Indians, and I venture to think with some measure of success. So far as India herself is concerned, she is now admitted as a member of the British Empire on an equality with the Dominions, and the voice of her representatives will have the same weight as the representatives of the Dominions at the Great Council which will take place next June, and I may remind you, Sir, that the position of Indians in other parts of the Empire has, at the request of the Viceroy and of his colleagues, been placed on the agenda for discussion at this great meeting which is to take place this summer. With regard to the recognition of the status of Indians, we have made progress, and shall make further progress. Rome was not built in a day, and the progress may not be as rapid as we could wish, but our goal must continue to be the admission of Indians throughout the Empire to all the rights and all the privileges of British citizens.

**The Honourable the President:** The question is :

‘That leave be given to introduce a Bill to amend the law relating to emigration.’

The motion was adopted.

**Mr. C. A. Innes :** Sir, I now introduce the Bill.

The Assembly then adjourned for Lunch till Ten Minutes past Two of the Clock.



The Assembly re-assembled after Lunch at Ten Minutes past Two of the Clock. The Honourable the President was in the Chair.

RESOLUTION *RE*: EXPORT DUTY ON TEA.

**Srijut Debi Charan Barua**: Sir, there is a Resolution\* about the abolition of the tea duty standing against my name. In view, however, of the decision arrived at by the House on Friday last regarding the proposed abolition of the tea export duty, I do not mean to press this Resolution now and would only desire that the House will abolish the duty as soon as opportunity offers. Accordingly, I withdraw the Resolution for the present.

The Resolution was, by leave of the Assembly, withdrawn.

**Mr. N. C. Sircar**: Sir, I do not move my Resolution.†

The Resolution was, by leave of the Assembly, withdrawn.

The Assembly then adjourned till Wednesday, the 23rd March 1921.

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\* 'This Assembly recommends to the Governor General in Council to be so pleased as—

(a) to abolish the export duty on tea at the rate of Rs. 1-8-0 per 100 lbs. forthwith;

(b) to give financial help to such tea gardens as may be unable to get any from the established Banks either directly or otherwise till the recovery of the industry.'

† 'This Assembly recommends to the Governor General in Council that he be pleased to withdraw the embargo on exports of foodgrains and coal from the country as on and from 1st April, 1921'.

# LEGISLATIVE ASSEMBLY.

Wednesday, 23rd March, 1921.

The Assembly met in the Assembly Chamber at Eleven of the Clock. The Honourable the President was in the Chair.

## MEMBER SWORN :

Maulvi Abul Kasem, M.L.A.

## STATEMENT LAID ON THE TABLE.

Mr. S. P. O'Donnell laid on the table the information promised in reply to a question by Mr. Mahmood Schammad Sahib Bahadur on the 22nd February 1921, regarding the Ali Rajahs of Cannanore.

*Statement laid on the table on the 23rd March 1921 with reference to a question asked by Mr. Mahmood Schammad Sahib Bahadur on the 22nd February 1921, regarding the Ali Rajahs of Cannanore.*

(a) (i) The answer is in the negative. Complete Sovereign rights were not inherent in the Cannanore Chiefs.

The Southern Laccadive islands were ceded with the rest of the territories of the Bibi of Cannanore to the Company in 1792 by Tipu to whom the Bibi was feudatory.

In 1890, the Madras High Court, in a case in which British jurisdiction was questioned, held that the islands, having been included in the cessions of Tipu's entire dependencies in Malabar, made at the peace of Seringapatam in 1792, this became an integral part of the territories vested in Her Majesty by Statutes 21 and 22, Victoria, and that though a large share of administrative independence in their internal management was till the year 1875 left in the hands of the Bibi and her successors, the islands were nevertheless subject to the laws of British India.

(ii) The answer is in the negative.

(iii) The answer is in the negative.

In 1847, an officer visiting the islands found that there had been gross mismanagement and oppression; as a result of investigation, the Madras Government ordered the direct administration of the islands to be taken over. In 1861, the Secretary of State, as the result of a representation from the Madras Government, agreed to restore the islands to the revenue management of the Bibi on payment of *peshkash* and administrative charges only; but added a condition that if the Bibi refused to introduce the necessary reforms into the administration or in the event of any act of oppression or extortion being proved against her, Government should again place the islands under sequestration in order to compel the introduction of good government.

In 1873, owing to complaints it was found necessary to depute an officer to visit the islands who found that the condition of the islands was anarchical

and that the authority of Ali Raja, successor to the Bibi, was completely in abeyance. The management of the islands was thereupon again taken over by the Madras Government.

(iv) The reply is in the negative. The question of the restoration of the Raja as an administrator was considered on several occasions and deemed inexpedient principally on account of the antipathy of the islanders to his misrule. In 1900, the Government of India offered the Raja favourable terms for the cession of all rights which he inherited in the islands. The Raja of his own free will accepted these terms in 1906. Certain members of his family, however, raised objections to the power of the Raja to cede his rights. These objections were examined and found baseless. During this examination in 1907 the Raja died. He was succeeded by his uterine sister, Imbichi Bibi, who voluntarily signed an agreement in 1908 ceding all rights in the islands to the British Government. The head of the family received the title of Sultan as a hereditary distinction in 1908.

(v) The reply is in the negative.

(b) The answer is in the negative.

## QUESTIONS AND ANSWERS.

### RAILWAY ENGINEERS.

580. **Mr. B. S. Kamat:** (a) What is the total strength of Railway Engineers from the lowest grade to the highest at present employed on the Great Indian Peninsula Railway and the Bombay, Baroda and Central India Railway Administrations?

(b) Of these, how many Engineers are Indians, how many Anglo-Indians and how many Europeans, and will Government be pleased to quote their present salaries in each case? Will Government also please ascertain and state by what method the above Railway Companies have been recruiting their Engineers, *viz.*, whether by competitive examinations or selection by open advertisement?

(c) Will Government be pleased to give the number of posts above the salary of Rs. 300 per mensem in the Traffic Department, the Locomotive Department and the Stores Department in the Great Indian Peninsula Railway, respectively, held by Indians, Europeans and Anglo-Indians?

(d) Will Government be pleased to give similar figures as requested in (a) and (b) above, regarding Railway Engineers employed by the Madras and Southern Mahratta Railway, the East Indian Railway and the North Western Railway?

**Colonel W. D. Waghorn:** (a), (b) and (d). I place on the table a copy of the latest issue of the Classified List and Distribution Return of Railway Establishment. The Honourable Member will find the information he requires regarding the Engineers of the Bombay, Baroda and Central India, Great Indian Peninsula, Madras and Southern Mahratta, East Indian, and North-Western Railways, on pages 57-58, 82-84, 90-91, 77-78 and 99-102, respectively. The Companies recruit their engineers by selection from duly qualified candidates called for by public advertisement in England or India as the case may be.

(c) I would refer the Honourable Member to the reply I gave to Mr. Jamnadas Dwarkadas on the 21st March 1921. I shall be glad to send him a copy of the statement I then laid on the table showing the number of employees—Indians and Europeans—on a monthly salary of Rs. 400 and above employed in all departments of the larger railways. I trust that this will sufficiently meet the Honourable Member's requirements.

#### VASAD-KATHANA RAILWAY.

581. **Mr. Jamnadas Dwarkadas:** (a) Will Government be pleased to state why the work of constructing Vasad-Kathana Railway in the Kaira District has not been commenced though the Railway Board decided as early as December 1919, to undertake the construction in the year 1920-21?

(b) Do the Government propose either to provide funds for its early construction, or if unable to do so, to hand over the project to a private firm?

**Colonel W. D. Waghorn:** (a) The construction of the Vasad-Kathana Railway has been deferred for want of funds.

(b) Government are not in a position to say when they will be able to provide funds for its construction. But they have no objection to the line being financed by a private firm, provided suitable terms can be arranged.

#### COMPLAINTS AGAINST THE EAST INDIAN RAILWAY.

582. **Haji Wajihuddin:** (a) Has the attention of the Government been drawn to two different complaints regarding the East Indian Railway published in the *Independent* of 1st March 1921?

(b) If so, has Government taken any action against the employees complained against, and if so, what?

(c) If not, do the Government propose to take notice of the complaints at once?

**Colonel W. D. Waghorn:** The attention of Government had not previously been drawn to these complaints. Inquiry is being made.

#### SCAVENGING TAX IN FEROZEPUR CANTONMENT.

583. **Haji Wajihuddin:** (a) Will Government please state whether it is true that Mr. Jamal-ud-Din, a respectable citizen of Ferozepur Cantonment, has been expelled from the Cantonment simply because he protested against the realization of scavenging tax in the form in which it was demanded by the Cantonment authority of Ferozepur?

(b) If the answer is in the affirmative, do Government propose to consider the question of removing the said order?

**Sir Godfrey Fell:** Mr. Jamal-ud-Din who had twice been employed in a subordinate capacity by the cantonment authorities at Ferozepur was excluded from that cantonment in 1909, on the ground that his presence in the cantonment was considered to be prejudicial to good order and military discipline. He not only refused to pay a legal tax, but he incited others in the cantonment not to pay, and obstructed in every possible way the administration of the Cantonment Law. He was, however, allowed, at the instance of the then Commander-in-Chief, to return to the Ferozepur Cantonment in

1913 on certain conditions. The Government of India have no information regarding his further exclusion, but they are making inquiries on the subject.

#### EXPULSIONS FROM UMBALA AND JULLUNDUR CANTONMENTS.

584. **Haji Wajihuddin:** (a) Is it a fact that a well-known physician, Hakim Sami-ul-lah of Umbala Cantonment and a respectable Banker Sardar Sunder Singh of Jullundur Cantonment have recently been ordered to leave their respective cantonments within 24 hours?

(b) If the answer is in the affirmative, will the Government be pleased to state whether they have committed any offence? And if so, why they have not been prosecuted or tried in a proper Court of Justice?

(c) Do the Government propose to cancel the order?

**Sir Godfrey Fell:** (a) The answer is in the affirmative, so far as Hakim Sami-ul-lah is concerned. The Government of India have no information regarding the alleged expulsion of Sardar Sunder Singh from the Jullundur Cantonment.

(b) The conduct of Hakim Sami-ul-lah was considered by the local military authorities to be prejudicial to good order and discipline. Section 216 of the Cantonment Code gives the Commanding Officer of a Cantonment the power to remove from the cantonment, within the time to be specified by notice, persons whose presence in the cantonment is considered dangerous to good order and military discipline. It is not necessary in such cases to bring the person to trial in a Court of Justice. The law provides for an appeal by persons who have been directed to be removed from cantonments under this section of the Cantonment Code.

(c) Government see no reason to interfere with the discretion of the local military authorities in this matter.

#### ASSESSMENT OF INCOME-TAX IN THE UNITED PROVINCES.

585. **Haji Wajihuddin:** (a) Is it a fact that for the purpose of assessment of Income-tax 'Schedules' showing different rates of percentage on different articles were prepared in the principal cities of the United Provinces during the years 1919-20 and 1920-21?

(b) If so, will the Government be pleased to lay on the table copies of such schedules?

**The Honourable Mr. W. M. Hailey:** The Government of India have no information on the matter, but they are making inquiries.

#### COMPLAINT AGAINST SANGLA RAILWAY STATION AUTHORITIES.

586. **Haji Wajihuddin:** (a) Is it a fact that 5 first class tickets, numbering 219—223, were issued, during the last month, to Lala Jewan Mull and Company at Sangla, North Western Railway, and after they had occupied seats in the train they were ordered by the railway officials, followed by police threats, to vacate the seats and come out without being furnished with any reason for orders which prevented them from travelling by that train?

(b) If it is true, will Government be pleased to state as to who gave such orders, under what rules, and for what reasons, if any? Also, whether Government have taken or intend to take any action in the matter?

**Colonel W. D. Waghorn:** (a) The facts are not as stated. On the 27th February some passengers holding 1st class tickets wished to travel by a goods train from Sangla Hill to Lyallpur, but this was not permitted as there was a convenient passenger train by which they could travel, and they were informed accordingly.

(b) Does not arise.

#### EXPORT OF RICE TO JEDDAH.

587. **Haji Wajihuddin:** (a) Is the export of rice and other foodstuffs to the Port of Jeddah free or subject to any restrictions?

(b) Is it a fact that during the year 1920 permission to export rice to Jeddah was auctioned per bag and export licences were granted to the highest bidder?

(c) Will Government please state under what rules was such an auction permissible?

(d) Are Government aware of the sufferings and hardships, on account of the high prices the pilgrims and the Indians temporarily residing in Hedjaz underwent on account of such restrictions?

(e) Do Government propose to remove such restrictions and allow free export of foodstuffs under the same conditions as obtained before the war?

**Mr. J. Hulla:** (a) The export of rice from India proper to Jeddah is prohibited, but there are no restrictions on the export of rice from Burma to Jeddah.

(b) Licences were granted for export under a system of competitive tenders.

(c) Under the Import and Export of Goods Act, export may be allowed under definite conditions. It was considered by the Committee on High Prices, which consisted of Members of the late Legislative Council, that the system of competitive tenders could and should be introduced as a condition under which licences should be given. One of the chief objects of this measure was to prevent a rise of prices in India generally and particularly in Sind.

(d) Complaints were received but they were in respect of the limitation of quantities rather than in respect of the prices at which the rice was sold at Jeddah.

(e) The tender system has been abolished and Jeddah is now obtaining its rice requirements from Burma. As already announced, the Government of India propose to remove all restrictions on export of foodstuffs as soon as circumstances permit.

#### PILGRIM TRAFFIC TO JEDDAH.

588. **Haji Wajihuddin:** (a) Are the Government aware that the Persian Gulf Steam Navigation Company was prepared during the years 1919 and 1920 and is still prepared to undertake pilgrim traffic to Jeddah on the single ticket system, but the Government of Bombay refuses sanction to allow it to take pilgrims except under the return ticket system?

(b) Do Government propose to see how far such action on the part of Bombay Government is justified, and do they propose to advise the Bombay Government not to discourage journey on the single ticket system, if any steamer company is willing to adopt it ?

**Mr. H. Sharp:** I think, Sir, it will be convenient if I lay on the table a detailed reply to this question. The general upshot of the reply is, that there is no general rule framed insisting upon compulsory return tickets; that at times, when there has been a partial insistence on compulsory return tickets, it has been part of an arrangement for assisting pilgrims to obtain return tickets at reduced rates; and that the whole question of the condition of tickets is now under consideration, but, unless the Government had the bulk of the Muhammadan community behind them, they would not be likely to make any rule insisting on compulsory return tickets.

(a) Government are aware that the Persian Gulf Steam Navigation Company is prepared to undertake pilgrimage traffic to Jeddah on a small scale and they understand that they actually undertook such traffic in 1919 and 1920. There is no rule framed under the Pilgrim Ships Act which insists upon the issue of compulsory return tickets. But in 1919, owing to the difficulty in inducing the Shipping Companies to take pilgrims to Jeddah at anything but very high rates, the Government of India made an arrangement whereby the price of a return ticket, which was Rs. 175, where cargoes were not available, and Rs. 150 where cargoes were available should be reduced for each pilgrim to Rs. 125. Under this arrangement the Persian Gulf Steam Navigation Company was assisted to carry pilgrims on the return ticket system and therefore did not carry ordinary pilgrims at single rates save to a limit of 15 per cent. of the pilgrims travelling. Financial assistance was likewise given for the pilgrims in 1920, but the limit of 15 per cent. on single tickets was not imposed.

(b) Insistence upon the condition of compulsory return tickets was justified in the two years during which Government spent large sums of money in helping pilgrims to undertake the journey to the Hedjaz at a reasonable rate. The Government of India do not consider that this method of assistance can be continued in the present year. The Government of India have imposed no legal obligation. They are not aware that the Government of Bombay have in years other than those specified attempted to discourage the journey on the single ticket system. The whole question of the conditions suitable for the issue of tickets to the Hedjaz is at present under the consideration of the Government of India and the Government of Bombay. A considerable body of Muhammadan opinion is in favour of the compulsory return ticket and during the years when that system has been insisted upon either by a Company or as an administrative measure no complaint regarding it has, so far as I am aware, reached the Government of India. Unless, however, the majority of opinions received are in favour of the compulsory return ticket system, the Government of India will probably continue to refrain from framing any rule to this effect under the Act.

#### PILGRIM TRAFFIC AND STEAMER COMPANIES.

589. **Haji Wajihuddin:** (a) Are the Government aware that the Steamer Companies, who carry pilgrim traffic, charge full passage rate for children of and above the age of one year ?

(b) Is it not a fact that in all other passenger traffic throughout the world, children under 3 years are carried free, and those above 3 and under 12 years at half rates ?

(c) Do Government propose to enforce similar rates on these companies also ?

**Mr. H. Sharp:** Sir, I should again prefer to lay on the table a detailed answer. The upshot is that there is no rule preventing companies from carrying children at reduced rates, but there would be serious difficulties in making a rule compelling them to do so.

(a) So far as the Government of India are aware, Shipping Companies carrying pilgrims to the Hedjaz charge full fares for children of and above the age of one year.

(b) The Government of India have no definite information regarding the universality of the practice of charging reduced fares for children, though they understand that it is the general rule. They understand also that in other countries rules have been framed for insisting upon compulsory return tickets or compulsory deposits.

(c) There is no rule or order of Government preventing Shipping Companies from charging reduced fares for children. The provisions, however, of Article 96 of the International Sanitary Convention of 1903 and Article 94 of the International Sanitary Convention of 1912 require that over and above the space required for the crew a pilgrim ship must provide a certain minimum space for each person, irrespective of age. The provisions of the International Sanitary Conventions, subject to certain reservations, are binding on India. Any attempt to compel Shipping Companies to charge concession rates for children would probably lead to a demand on the part of the Companies that the regulation space should be reduced and to an increase in the fares charged for adults. The question whether any change in the provisions of the International Sanitary Conventions in this matter should be recommended is under consideration. The Government of India, however, understand that the number of small children proceeding to the Hedjaz is relatively small and are advised that from the sanitary point of view the presence on pilgrim ships of large number of nursing mothers with infants in arms and young children is undesirable, as being likely to lead to an increase in epidemic disease.

#### HEDJAZ PILGRIMS AND QUARANTINE.

590. **Haji Wajihuddin:** (a) Are Government aware that the Hedjaz pilgrims underwent quarantine during the years 1919 and 1920 at Kamaran as well as at Jeddah while, in accordance with the existing regulations, they should have undergone quarantine at one place only ?

(b) Do Government propose to so arrange that during the ensuing season and after the pilgrims should undergo quarantine at one camp only, either at Kamaran or Jeddah ?

**Mr. H. Sharp:** The Government of India are aware that quarantine was imposed on pilgrims to the Hedjaz during 1919 and 1920 at Kamaran as well as at Jeddah. Under the International Sanitary Convention quarantine is obligatory only at Kamaran. The Convention does not insist on quarantine at Jeddah. But quarantine at Jeddah was imposed during those years by the



Hedjaz Government. The hardship involved by this arrangement has attracted attention and the Government of India understand that the matter has been represented to the King of Hedjaz, with whom rests the imposition and abolition of quarantine arrangements at Jeddah.

#### INDIAN POLICE OFFICER AT JEDDAH.

591. **Haji Wajihuddin :** (a) Are Government aware that the Indian Police officer stationed at Jeddah to safeguard the interest of pilgrims has neither any office of his own nor any staff to help him during the pilgrim seasons ?

(b) Have Government ever considered the advisability of providing him with assistants so that he may fairly cope with the situation specially when there is a rush of pilgrims ?

**Mr. H. Sharp** (on behalf of the Honourable Mr. Denys Bray) : It is proposed to bring under reduction the appointment held by the Indian Police Officer, as arrangements are being made to attach an Indian Vice-Consul to the Jeddah Agency and Consulate.

#### RESOLUTION RE REPRESSIVE LAWS.

592. **Mr. Harchandrai Vishindas :** Sir, the Committee has been appointed and I think there is no necessity for the question any longer.

#### LOCAL GOVERNMENT PUBLICATIONS AND MEMBERS OF THE INDIAN LEGISLATURES.

593. **Beohar Raghubir Sinha :** Do the Government propose to direct all Local Governments to supply to the Members of the Council of State and the Legislative Assembly residing in their respective provinces, all Government publications which are usually supplied to the Members of the local Legislative Councils, with a view to keep the aforesaid Members in touch with the affairs of their respective provinces ?

**The Honourable Dr. T. B. Sapru :** The Government of India are not in a position to issue any directions on the subject but the request of the Honourable Member will be brought to the notice of the Local Governments.

#### ARMS AND AMMUNITIONS WITHOUT LICENCE.

594. **Mr. Muhammad Faiyaz Khan :** Will the Government be pleased to state the number of (a) Europeans, (b) Anglo-Indians, (c) Indians, tried in the Courts for possessing arms and ammunitions without a licence in India since January 1920, and the amount of punishment meted out in each case ?

**Mr. S. P. O'Donnell :** The Government of India are not in possession of the information asked for by the Honourable Member, and they doubt whether Local Governments would be able to supply it at present, as the

annual reports of the administration of the Arms Act have probably not yet been received. The information is, however, being collected from Local Governments and Administrations and will be given to the Honourable Member when available.

### MESSAGE FROM THE COUNCIL OF STATE.

**The Honourable the President:** I have received a Message from the Secretary to the Council of State in the following terms:

‘I am directed to inform you that the Council of State have, at their meeting on the 21st of March, agreed without any amendment to the Bill further to amend the Import and Export of Goods Act, 1916, and the Bill to amend to Indigo Cess Act, 1918, which were passed by the Legislative Assembly, on the 22nd of February 1921.’

### THE INDIAN ELECTRICITY (AMENDMENT) BILL.

**The Honourable Sir Thomas Holland:** I beg to move, Sir:

‘That this Assembly do recommend to the Council of State that the Bill further to amend the Indian Electricity Act, 1910, be referred to a Joint Committee of this Assembly and of the Council of State and that the Joint Committee do consist of 12 Members.’

I had the privilege of introducing this Bill on the 17th instant and, as Members will see from a study of the Bill, the points in revision are largely matters of detail, many of them purely technical in nature; and it thus seems advisable that these should be discussed by a Joint Select Committee before whom we can place the enormous amount of detail that we have received from Local Governments and local bodies.

The motion was adopted.

### THE INDIAN LIMITATION (AMENDMENT) BILL.

**Mr. S. P. O'Donnell:** Sir, I beg to move:

‘That the Report of the Select Committee on the Bill further to amend the Indian Limitation Act, 1908, be taken into consideration.’

**The Honourable the President:** The question is:

‘That the Report of the Select Committee on the Bill further to amend the Indian Limitation Act, 1908, be taken into consideration.’

**Rao Bahadur T. Rangachariar:** Sir, I beg to move:

‘That the Bill be re-circulated for the purpose of obtaining further opinion thereon.’

With very great respect to the Members of the Select Committee, I venture to propose this amendment. The question is one of great importance and I feel that the matter, especially with reference to the applicability of section 5 of the Limitation Act, requires further consideration from the various judicial authorities in the country and also from the various Bar Associations.

[Rao Bahadur T. Rangachariar.]

I may point out, Sir, that in introducing this Bill, as Honourable Members will find from the Statement of Objects and Reasons, section 5 was proposed to be amended, not with a view to make any substantial change in the law, but merely to remove certain defects in the drafting of section 5. But Honourable Members will observe that the change proposed is of a very substantial character, and perhaps for the benefit of the lay Members of the Council, I may mention what that section is.

As you all know, periods of limitation are prescribed by law for bringing suits, for preferring appeals and for making applications. Section 5 of the Act enables parties to prefer appeals or make applications after the prescribed time ~~in case~~ they are able to satisfy the authority that they had sufficient excuse for not preferring the applications or appeals in time. It only applied to appeals and applications for leave to appeal to the Privy Council and in certain other cases where either by a rule made by a High Court or by a rule contained in a special law section 5 was made expressly applicable. So that its operation was limited in scope and in extent. It was expressly stated in the Statement of Objects and Reasons that they were going to retain the existing provision so far as appeals and applications under special and local laws were concerned; for in the last sentence of that statement, Honourable Members will find, that it is proposed in the Bill to make it clear that where a special period of limitation is prescribed by a special or local law, section 5 will not apply. That was in the Bill as originally proposed, and as clause (3) of the proposed Bill stood no doubt that was intended to carry out that object. But now clause (3) has emerged from the Select Committee in a different form altogether as Honourable Members will notice. Section 5 is made to apply to all cases of special and local laws also, unless the special and local laws contain terms to the contrary; so that whereas the promoters of the Bill came to this Assembly saying that they would not apply section 5 to special and local laws, now they come forward—or rather the Select Committee has proposed—that section 5 should apply also to periods of limitation contained in special and local laws. I quite fail to see, therefore, how they can say at the end of their Report in paragraph 5: ‘We think that the Bill has not been so altered as to require republication.’ With all respect, I venture to doubt whether it is a sufficient statement as regards the change proposed. The change is of a very vital nature as Honourable Members will observe. According to this proposed change, this discretionary power to extend the period of limitation is conferred on courts in all cases unless there is a provision to the contrary. This will work a great deal of hardship, I am afraid, in many cases. Take, for instance, the case of Government itself. Take the revenue recovery laws; take the forest laws; take the abkari laws; take the laws governing customs; periods of limitation are prescribed in those regulations, and if this power to extend the period of limitation, this discretionary power which is sought to be given to courts, is to be extended to all these laws, considerable difficulty in practice will arise. Take, for instance, the Sale of Waste Lands Acts, where very many periods of limitation are prescribed for making the various applications referred to in those Acts; then again take what is commonly known as the Curator’s Act, that is ‘the Protection of Succession to Property Acts,’ where that Act expressly says: ‘No application shall be made more than six months after the death of the party concerned.’ Now, by giving this extended application to section 5, all such periods of limitation may be said to be affected. There are cases and cases, periods and periods of limitation prescribed. I will

instance the case of an application for execution. As Honourable Members who are acquainted with the administration and practice of law know, there are several starting points for making those applications; the law is very liberal. It gives you, in the first instance, three years from the date of the decree; if there is an appeal or application for review, you get a fresh starting point from the date of the appeal or the decree in review; or if you take a step in aid of execution you get a fresh starting point; and in fact, there are six several starting points for the period of limitation in the cases of applications for execution of decrees. In such cases it is certainly unnecessary to vest courts with this discretionary power of extending the period of limitation. That is why the legislature in 1908 when they revised the Code of Civil Procedure and also the Limitation Act carefully added only this provision, because it is not possible to foresee all cases where such discretionary powers may be safely entrusted to courts. Therefore in amending the Limitation Act, in 1908,—I believe the late Dr. Rash Behari Ghose was a Member of that Select Committee as well as of the Select Committee on the Civil Procedure Code Bill—they enacted a provision good enough for the purpose of the case, leaving it to the several High Courts to frame rules wherever they thought that section 5 should be made applicable by rule; and I know of one case where such a thing was required, the Madras High Court did frame a rule with regard to applications to set aside *ex parte* decrees. Section 5 of itself could not apply; therefore the Madras High Court framed a rule; and I am not sure whether other High Courts did not frame a similar rule making section 5 applicable to such applications to set aside *ex parte* decrees. Honourable Members will also remember that in the Code which was revised in 1908 along with the Limitation Act, Order 22, rule 9, that is, that order which applies to death of parties, where the suit or appeal abates if no application is made within the time limited by law, the Civil Procedure Code, which was passed along with the Limitation Act in 1908, expressly made section 5 applicable to such cases. I mean it is very dangerous to entrust courts with discretionary powers of this sort. In the first place, it encourages extravagant applications which may have no claim. In the second place, discretionary powers depend upon the discretion of the individual officer just like the Chancellor's fool of old, whose discretionary powers are liable to be abused. It will encourage a large number of applications, useless applications; delay proceedings in consequence and various other troubles are likely to arise; and in my own view, Sir, the existing provision enabling the High Courts to frame rules in required cases to make section 5 apply, is ample protection against any cases of possible injustice. But, on the other hand, without regard to the nature of the local laws, without regard to the nature of the special laws, without regard to other inconveniences which are likely to arise, making this section 5 apply right through unless there is a provision to the contrary, seems to be a dangerous step. I, therefore, think, Sir, that this matter requires further consideration, and I am fortified in this view. I think I am right, but the Honourable the Law Member will correct me if I am wrong by the fact, that I do not think opinion was invited in the first instance as regards the proposed change with reference to section 5; and that being so, opinion not having been taken already, I think it is highly essential that opinion should be taken. I do not want to commit the Assembly to my view of the case; I only want by this amendment which I now propose that it should be circulated. I want the Assembly to be favoured with the opinions of the various High Courts and also district courts; and I am sure, my Honourable friend, Mr. Krishnaswami

[Rao Bahadur T. Rangachariar.]

Rao, who has considerable experience as a judicial officer in the various grades of the judicial service will bear me out with reference to these discretionary powers that are sought to be conferred. These courts are already flooded with applications of this sort. I can mention an instance of how these discretionary powers are exercised.

I remember a case in which the late Sir V. Bashyan Aiyangar appeared assisted by a local junior in Vizagapatam, but the District Judge dismissed the suit with costs because Sir Bashyan Aiyangar happened to be late by 5 minutes. He applied to the District Judge to set aside the dismissal for default and the District Judge refused to do it. The matter came upon appeal to the High Court, and the High Court set aside the dismissal and it made the local pleader pay the costs because Sir Bashyan happened to be late. I submit the Legislature should be careful in arming the courts with discretionary powers, and unless it is absolutely necessary they should not be entrusted with such powers. That is my view of the case, and having regard to the fact that opinions have not already been taken from the various High Courts and Bar Associations, and having regard to the vital change which the Legislature now seeks to effect in the existing law of limitation which has stood the test of years, say from nearly 1871 if not from 1859. I do not think such a change can be effected without taking opinions beforehand. The change introduced is one which is different even from the Statement of Objects and Reasons. The Statement of Objects and Reasons says one thing, and what the Select Committee effects is another thing. The Statement of Objects and Reasons says, 'this shall not apply to special and local law', whereas the Select Committee says it shall apply to special and local law unless there is a provision to the contrary. So it is a radical change which the Bill, as amended by the Select Committee seeks to introduce. I, therefore, move, Sir, that the Bill be re-circulated for the purpose of obtaining further opinion thereon.

**The Honourable the President:** Does the Honourable Member wish to insert any date?

**Rao Bahadur T. Rangachariar:** By the 31st of July.

**The Honourable the President:** The question is :

That the Bill be re-circulated for the purpose of obtaining further opinion thereon, such opinions to be obtained before the 31st July.

**The Honourable Dr. T. B. Saprú:** Sir, I may, at the outset, say that I am not standing here to oppose the motion made by my Honourable friend on the other side, but at the same time I cannot let some of the statements made by him pass unchallenged. For instance, when my Honourable friend says that the Government of India did not consult the Local Governments or the various High Courts or that they did not take any steps to elicit public opinion on this matter, I think he is not strictly right. The Government of India did circulate the Bill as originally drafted, or rather the substance of it, to the various High Courts, and they drew attention to the conflict which had arisen with regard to the interpretation of section 29 between the various High Courts, and so far as I have been able to study the papers, I find that the bulk of opinion was in favour of the proposed amendment. Now take for instance, the case of the Bengal High Court. The Bengal High Court took a radically

different view from that which was taken by the Allahabad High Court. The Bengal High Court, however, agree with the principle embodied in this Bill. I do not wish to multiply instances of this character. I may further assure my Honourable friend that in some provinces legal associations have also been consulted. So that, so far as this matter is concerned, I am prepared to say that this Bill has been introduced in the Government of India after consultation with the Local Governments and the various High Courts, but if my Honourable friend wishes to elicit still further opinions from other associations and bodies, we for our part have no objection.

Now, there are just one or two questions of principle which my Honourable friend has raised and to which I should like to refer briefly. I do not wish for my part and on behalf of the Government of India to associate ourselves with the legal exposition that has been put before the House by my Honourable friend on the other side. The point which has arisen is with reference to section 5 and section 29 of the Limitation Act. To put it very briefly, it is this: Under the Limitation Act, you may put in an application or take a proceeding such as is described in that section after the expiry of the period of limitation prescribed by the Statute, provided you can satisfy the court that there is some just and sufficient cause for you to come after that period of limitation. The effect of section 5, as I understand it, is not that the moment you put in an application the court is bound, as a matter of course, to grant that application. It is a discretion vested in the court, and the discretion, as every lawyer knows, is to be exercised on judicial grounds. Every lawyer knows from his practical experience that hundreds of such applications are rejected on their very presentation, because the courts say that a *prima facie* case has not been made out for the exercise of the discretion vested in them by section 5 of the Limitation Act. Now the point arose a few years ago in the Allahabad High Court as to whether the general provisions of section 5 of the Limitation Act would apply to special Acts, such as the Provincial Insolvency Act. The same point arose in other High Courts, not only with reference to the Provincial Insolvency Act, but also with reference to the Registration Act. The Allahabad High Court held that the general provisions of section 5 of the Limitation Act would apply to special Acts unless the special Acts excluded those provisions, but the other High Courts held that the general provisions of section 5 would not apply to special Acts. Well, I can say from practical experience and practical knowledge that by far the largest number of lawyers that I have met favour the view which has been taken by the Allahabad High Court as being one which is more in consonance with justice. That being the position, the question which the Government had to consider was as to whether the time had not arrived when such a conflict should be removed, and if it was to be removed which of the two views was to be accepted. For that reason, this Bill was drafted and it was referred to the Select Committee. I am prepared to maintain, that so far as the Select Committee is concerned, they did not at all alter the substance of the Bill as originally drafted. Such changes as have been made by the Select Committee are changes mostly of a drafting character, though in one respect the scope of the Bill as originally framed has been somewhat extended, that is, if you will compare the language of the original Bill with the language of the Bill now before you, you will find that certain sections in the Limitation Act of 1920 which were not included in the Bill as originally drafted, have now been included. This matter was carefully considered by the Select Committee and they came to the conclusion that there was no reason why we

[Dr. T. B. Sapru.]

should include in the Bill certain sections of the Limitation Act and exclude the rest. In other words, the position is, that excepting where a special statute bars the application of the Limitation Act, the whole of the Limitation Act, excepting the Schedules which describe the period of limitation, will be made applicable to cases arising under special Acts. That being so, I do not think it can be said in fairness that the scope of this Bill has been so much enlarged or changed that it cannot be identified with the Bill which was originally introduced. I have only attempted to put this view before you in order to safeguard against misapprehension on the part of this Assembly or outsiders that the Government of India accept the exposition of this Bill as put forward by my Honourable friend, Mr. Rangachariar, but inasmuch as the matter is one of a highly technical character and inasmuch as I am prepared to admit that there may be two possible views which may be taken on this question, as a matter of precaution we are prepared to accept the suggestion made by my Honourable friend, Mr. Rangachariar, and to re-circulate the Bill so as to elicit further opinions on this matter.

**Mr. T. V. Seshagiri Ayyar:** Sir, having regard to the statement by the Honourable the Law Member that he is prepared to accept the motion made by my Honourable friend, Mr. Rangachariar, that the Bill be resubmitted for eliciting opinions, I have no right to criticise that attitude, but as the Honourable the Law Member is aware, the present state of the law has led to considerable conflict of opinion and the litigants are in a very unfortunate position. The matter has been discussed by the various high Courts. On this particular matter, opinion had been asked from the High Courts and from various local bodies, and I am not sure that the Madras Vakils were not consulted: very likely they offered no opinion; therefore it has not been the fault of the Government, it has not been the fault of the various High Courts that the opinion of the profession has not been fully expressed. If this House comes to the conclusion that this matter should again be left in the very unfortunate position in which it is at present, I can only express my deep regret, but I must point out that we will be putting litigants in a very difficult position as they have to choose not between two High Courts only, but between two contrary decisions of the Privy Council upon this matter; I therefore submit for the consideration of the House whether it is desirable that this matter should be allowed to lie over any further. Moreover, when this matter was before this House at the second reading, if I may say so, that was the proper time, before the matter went before the Select Committee, for my Honourable friend to rise and say that this matter should go before the country again. Now we have got a body of lawyers as capable as any you can find in the country who will be able to throw light upon the various contentions suggested by the draft sections. Why now send the whole matter back to the country and allow five or six months to lapse; all this time the litigants and judges would feel themselves very much hampered by the present state of the law.

Now, Sir, there are one or two matters that were specifically raised and I should like to refer very briefly to them. There was a reference made by Mr. Rangachariar to the fact that judicial discretion is likely to be abused. Now, Sir, I take exception to this. I have had something to do with the administration of justice and my impression is that the subordinate judiciary in this country, perhaps more perfect than the subordinate judiciary

in any other country, is not in the habit of abusing the powers of discretion vested in them. Take the instance which Mr. Rangachariar has given of the Honourable Mr. Bashyan Aiyangar. What happened, as he himself has told us, was that the district judge felt bound to refuse to restore a case in which the contest was about 20 or 30 lakhs of rupees because the Honourable Mr. Bashyan Aiyangar was not able to attend the court within a few minutes of the case being taken up. He refused to exercise any discretion in the matter and the High Court set him right and exercised their discretion. How does that help my learned friend in saying that the discretion should not be given to the judges lest they too freely exercise it. On the other hand, what he said about this particular district judge shows, that there will be no undue exercise of discretion in favour of a party. But, as I said before, the High Court felt, having regard to the immensity of the subject matter, that they should exercise their inherent power and restore the case. If the district judge had had section 5 before him he would undoubtedly have exercised discretion and thereby saved the High Court and the party much trouble.

**Rao Bahadur T. Rangachariar :** I wish to correct my Honourable friend. Under the Civil Procedure, there was a discretion then to set aside dismissals for default—section 5 has nothing to do with such cases.

**Mr. T. V. Seshagiri Ayyar :** There was no discretion under section 5. Now, Sir, my Honourable friend has referred to the difficulties that will arise if execution applications are brought under the purview of section 5. Now, I shall mention a few cases : I shall be as commonplace as possible and avoid technicalities. Now, take a case under Order 21, rule 99. That is a provision which enables a litigant to get the sale set aside by paying within 30 days a certain sum of money if he believes that his property has been undersold. It gives him power to pay the money into the court within 90 or 30 days and get the sale set aside—I am not sure which.

**Mr. Amjad Ali :** 30 days.

**Mr. T. V. Seshagiri Ayyar :** Now, in this country the people, as we have very often been told in this Assembly, are very poor, and when property is sold for R. 10,000 which is worth a lakh of rupees, and the defendant has to find Rs. 10,000 within 30 days, he tries to get it from a number of people and probably within about 28 days scrapes about Rs. 10,000. Meanwhile, there is a flood and there are breaches in the road between his place and where the court is situated and for five days he is not able to go to the court and pay the money. Now, where is there any power in the court which will enable the court to excuse him for not having paid the money in time and allow him to pay the money on the 33rd day but for section 5 as amended now? If section 5 as amended now did not exist, the court would be absolutely powerless to excuse the delay. Take another case of the same nature. Supposing there was a strike which disabled the party from coming to court within a week.

**The Honourable the President :** Order, order. I think this case should be argued on the clause when we come to it, not on the present motion. The questions before the House are (1) that the Bill be taken into consideration now, and (2) that it be referred back for the purpose of eliciting further opinion.



**Mr. T. V. Seshagiri Ayyar :** I am in your hands, Sir. I only wished to refer to the points raised by Mr. Rangachariar. I do not want to detain the House any further. I only wish to point out that there are very many difficulties which will prevent justice being done properly if you allow the law to stand as it is at present. And any delay which you allow to lapse before setting this matter right would lead to grave inconvenience to the parties and to waste of time in the courts, and, having regard to the fact that the matter has been considered by the various High Courts, has been circulated for the opinion of the bar associations it is not desirable that you should leave the law in this indefinite state. Of course, if the Honourable the Law Member is prepared to accept the motion, I cannot say that he would not be justified in having it re-circulated.

**Babu J. N. Mukherjea :** Sir, the next amendment stands in my name and is substantially the same as that of my Honourable friend, Mr. Rangachariar. I submit that in rising to support my friend, Mr. Rangachariar, I really support the amendment which stands in my name.

I have listened very carefully to what has fallen from the Honourable the Law Member, and from my Honourable friend, Mr. Seshagiri Ayyar. But I fail to see that the Bill, as it has been shaped by the Select Committee, should be the law that should finally go to the country for its acceptance. I will not deny that there may be cases to which section 5 of the Limitation Act ought to be extended—I mean really hard cases which lie beyond its present scope. But that is not the point. The point is whether with our eyes closed we should extend it to all cases of applications under any law whatsoever. Now, the wording of section 5 is this :

‘Any appeal or application for review of judgment or for leave to appeal or any other application to which this section may be made applicable by any enactment or rule for the time being in force may be admitted after the period of limitation prescribed therefor, when the appellant or applicant satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period.’

Now, Sir, this section, as it stands, contemplates three classes of applications. It includes, as it stands now, appeals of all sorts, and with reference to appeals we have nothing to say. But with reference to applications there is a very important limitation and it is, that only

‘Applications for review of judgment or for leave to appeal or any other application to which this section may be made applicable by any enactment or rule for the time being in force.’

come under its operation, and not all applications. That is to say, there are only three classes of applications which are in contemplation in section 5. What we are now going to do is, that with our eyes closed we intend to extend it to all sorts of applications without taking care to ascertain beforehand where such a law will lead us to. Sir, it is an admitted principle, that legislation by reference is not a very satisfactory mode of procedure. As an instance in point, I may refer to the Hindu Wills Act. It says that such and such provisions of the Indian Succession Act shall apply to the case of Hindus ; and so on. This legislation came up before the Judicial Committee for interpretation more than once, and not in one, but in several, judgments their Lordships have pointed out that the method of legislation adopted in that Act is not satisfactory. It has led to many conflicts of conclusions, in fact it has led to a conflict of laws, conflict in the interpretation of one statute on one point, with

a provision in another Act or law bearing on the same point. So that, apart from the general caution that one should observe in extending the scope of a certain Act by reference as it were to another Act—apart from that fact—we know that the eminent men who drafted the present section as legislators before us thought it best to confine the operation of section 5 to only certain classes of applications. No doubt, my Honourable friends in this House may be able to point to certain specified cases to which the operation of section 5 may be reasonably extended, but what about those cases which we cannot call up before us now, but to which it cannot be reasonably extended? I looked, but in vain, for any statement in the report of the Select Committee clearing up this point. They have not said a word as to what special laws they have considered and with what result; and how the Committee thought that in the case of any particular period of limitation provided in any special or local law, the application of the principle of section 5 would improve matters. The public ought to know, and this House ought to know, how, if we wish to include all cases of applications without exception, the proposed legislation will improve the present state of things. We have got to consider the fact that unless and until a clear case is made out for a change in the present statute, section 5, the House must stop to find out whether it should take the proposed step or not. We should look forward to a clear statement of the benefits that are derivable from such a sweeping legislation as the one before the House. It is a short legislation no doubt, but its effects are very far-reaching, and, therefore, the motion that has been made, I think, meets the situation, namely, that this House as well as the public at large should have further time to consider the effect of this Bill, and that opinion should be elicited from different public bodies and institutions. Conflict existed, no doubt, with reference to the interpretation of section 29 as to whether certain sections of the Limitation Act enunciating general principles of computation, if applied to the determination or calculation of the period of limitation as provided in any special or local law, would affect or vary the periods mentioned in such Acts. That is a different matter altogether, and in my humble judgment, a conflict of that kind may be very easily obviated by legislation of the proposed character. But when we come to section 5, the matter assumes a different aspect. Therefore my submission is; that unless the point be further considered and general opinion be taken, a short statement that 'we have considered so and so', without mentioning what has been considered and in what way and with what result, satisfies the requirements of the situation. That will not do and the House should stop and ask for further information on the point.

**Dr. H. S. Gour:** I rise to support the amendment of the Honourable Mr. Rangachariar and I do so on the following grounds. The statute of limitation is a statute of repose. Its primary object is to set at rest all conflicting rights and claims without reference to the merits and by mere efflux of time. The Limitation Act has that object in view, to create a certainty in rights and titles after a certain lapse of time. Now, the amendment that the Select Committee propose is to break in upon this certainty by introducing a judicial discretion as controlling the period of limitation in the cases contemplated by section 5 of the Limitation Act. I deprecate the subordination of the statute law to judicial discretion. The Honourable Mr. Seshagiri Ayyar said that the district judges and the High Courts as a rule do not abuse judicial discretion. But these are not the only courts lawfully constituted in this country. We have honorary munsifs, we have courts of a very low grade, persons who are clothed with certain judicial functions, and they are also

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given certain powers which will come within the purview of sections 5 and 29. I therefore submit that I should be extremely cautious in enlarging the terms of the Limitation Act which would let in this uncertainty upon titles and property.

As regards section 5 of the Limitation Act, I submit, that the existing statute law lays down that it is only in certain cases contemplated in section 5 that the court has judicial discretion. If you turn to any annotated book on section 5 of the Act, you will find I think about 30 to 40 pages of conflicting decisions of the various High Courts as to what constitutes 'sufficient cause' within the meaning of the law, and that is the best vindication of my objection to the further enlargement of the provisions of section 5.

Turning to section 29 of the Act, you will observe that as it was originally enacted, and as it is existing now, it lays down that this Act, of itself, will not enlarge the period of limitation unless it is made applicable by any special or local law. The object of the Select Committee who have made the amendment to the Limitation Act is that *ipso facto* this Limitation Act, that is, the enlarging provisions of the Limitation Act, will apply to all special and local laws unless there is something in these laws to the contrary. That, I submit, is a dangerous innovation. We know, as a matter of fact, that special and local laws number thousands. We know, as a matter of fact, that they have various objects in view in prescribing a short period of limitation, and to extend their provisions by a general reference to the Limitation Act is to ignore the very foundation of law which has enacted these special and local laws and subjected them to a special period of limitation. I therefore submit, that the Select Committee who have enlarged the provisions of sections 5 and 29 have not conformed to the first intention of the Indian Limitation Act as it was introduced into this House, and that the changes introduced by the Select Committee are of such a vital character as call for a reference to the public at large. I therefore support the amendment moved by Mr. Rangachariar.

**Mr. R. A. Spence:** I move that the question be now put.

The motion was adopted.

**The Honourable the President:** The original question was:

'That the report of the Select Committee on the Bill further to amend the Indian Limitation Act, 1908, be taken into consideration.'

Since which an amendment has been moved:

'That the Bill be re-circulated for the purpose of obtaining further opinion thereon such opinion to be obtained before July 31st of this year.'

The question I have to put is:

'That the Bill be re-circulated for the purpose of obtaining further opinion thereon, such opinion to be obtained before July 31st of this year.'

The amendment was adopted.

## THE ENEMY MISSIONS BILL.

**Mr. S. P. O'Donnell:** Sir, I beg to move:

'That the Bill to validate certain indentures transferring properties formerly held by certain Enemy Missions in Trustees and for the incorporation of such Trustees and for their purposes, as passed by the Council of State, be taken into consideration.'

The properties to which this Bill relates formerly belonged to certain Missions which were either German or tainted with German influence. Accordingly, during the war, Government took action under the Enemy Trading Act and these properties were vested in the Custodian of Enemy Property. Later on, the Custodian was directed to transfer these properties to certain Boards of Trustees, and these transfers were carried out by means of indentures. The Trustees were empowered to administer the properties subject to certain trusts and these trusts were so framed that the Trustees have to carry on the educational, religious and charitable work of the displaced Missions. That, of course, is in accordance with article 438 of the Peace Treaty to which India is a party. Under that article the allied associated powers agreed that the property of the German Missions should be handed over to certain Boards of Trustees to be used for the same purposes for which they had been formerly employed. The object of this Bill is to provide, firstly, for the incorporation of the Boards of Trustees, secondly, for the method of appointment of Trustees in future, and thirdly, for the validation of certain changes that have occurred in the original appointments.

**The Honourable the President :** The question is :

‘That the Bill to validate certain indentures transferring properties formerly held by certain Enemy Missions in Trustees and for the incorporation of such Trustees and for other purposes, as passed by the Council of State, be taken into consideration.’

The motion was adopted.

**Sir P. S. Sivaswamy Aiyer :** Sir, may I move a slight verbal amendment? My amendment is one of a purely verbal character to improve the grammar of clause (3), on page 2, in line 5. The language of clause (3) is this :

‘Notwithstanding anything contained in any enactment or rule of law to the contrary, the indentures described in the schedule are hereby declared to be validly made.’

I suggest the substitution of the words ‘have been’ for the word ‘be’ because the indentures have already been made. I think it will improve the grammar of the clause to substitute the words ‘have been’ for the word ‘be’.

**The Honourable the President :** The question is :

‘That in clause 3, line 5, the word ‘be’ be omitted and the words ‘have been’ be inserted’.

**The Honourable Dr. T. B. Saprú :** I have no objection to the amendment.

The amendment was adopted.

**Mr. S. P. O'Donnell :** Sir, I rise to move :

‘That the Bill with this amendment be passed.’

The motion was adopted.

## THE LAND ACQUISITION (AMENDMENT) BILL.

**Mr. J. Hullah :** I move, Sir :

‘That the Bill further to amend the Land Acquisition Act, 1894, as passed by the Council of State, be taken into consideration.’

The object of the legislation is two-fold, firstly, to provide that in all cases from the award of a court an appeal shall lie only to the High Court, and,

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secondly, that subject to certain limitations an appeal shall lie from the award of a High Court to the Privy Council.

**The Honourable the President :** The question is :

‘That the Bill further to amend the Land Acquisition Act, 1894, as passed by the Council of State, be taken into consideration.’

**Chaudhuri Shahab-ud-Din :** Sir, section 54 of the Land Acquisition Act, as interpreted by the Judicial Committee of the Privy Council, is not supposed to give a right of further appeal, that is to say, it gives only the right of special or limited appeal and of no further appeal. If a claim under the Land Acquisition Act is disposed of by a subordinate court, in accordance with the special provisions of the Civil Courts Act, then an appeal may lie either to another subordinate court, that is, a court of higher jurisdiction but subordinate to the High Court, or it may lie to the High Court itself. If the claim is disposed of by the High Court itself on appeal, then the appeal shall lie to the Privy Council but only *one* appeal is given at present. The object of the present Bill is to give the right of further appeal, that is, if the appellate court is subordinate to the High Court, then the appeal shall lie to the High Court, but if the appellate decree is that of the High Court itself, then the appeal shall lie to the Privy Council. That, I understand, is the object of the Bill which has been moved by the Government and passed by the Council of State.

Sir, I find, that as regards the right of appeal to the High Court, when the appellate decree is that of a court subordinate to the High Court, the right is governed by the provisions of the Civil Procedure Code, and the rules are laid down in that Code; but, when the right of appeal is given to the Privy Council, there the provisions of the Civil Procedure Code (sections 109 to 112) are ignored and specific special provisions are proposed in the Bill under discussion. I refer, Sir, to the provisions of clause (3). In the case of an appeal to the Privy Council it lays down :

‘No appeal shall lie to His Majesty in Council unless :

- (i) the amount in dispute in the appeal is ten thousand rupees or upwards, and
- (ii) the appeal involves some substantial question of law.’

That is to say, two conditions must co-exist to entitle an aggrieved party to go to the Privy Council. The first is, that the value of the subject matter must be more than ten thousand rupees and, secondly, there must be a question of law involved in the case. These strict and rigorous conditions do not exist in the case of ordinary appeals to the Privy Council which are governed by the provisions of the Civil Procedure Code. I beg to point out to the Honourable Members of this Assembly that in Land Acquisition cases, in 999 cases out of every 1,000, there is only a question of fact and no question of law.

Therefore, to make the law so stringent as to require the co-existence of these two conditions, that is, the value of the claim should be above Rs. 10,000 and there should also be a question of law, amounts to practically giving no right of appeal. I beg to propose, therefore, that this Bill may be referred to a Select Committee, and its provisions considered in the light of the remarks which I have made or some of the other Honourable Members may like to make, and also in the light of the provisions of the Civil Procedure

Code. This is a very important measure. If the right of appeal is to be given at all, it should be given in fact and not only in name. In Land Acquisition cases, to which Government is always a party, it is very desirable that in all cases where the value is only above Rs. 10,000, the aggrieved party must as a matter of course be permitted to seek relief by way of appeal to His Majesty in Council.

Sir, with these remarks I propose that the Bill be referred to a Select Committee. With your permission, Sir, I would like to make a slight verbal alteration in my amendment. By an oversight I included the name of the Honourable Mr. Sarma as one of the Members of the Select Committee. I understand he is not a Member of this House. Therefore I trust I may be permitted to suggest in his place the name of Mr. Hullah. I also find that by an oversight I omitted to include any Member from Bengal, a very important province, indeed. If I may be permitted, Sir, I would include the name of Mr. Neogy, whose consent I have obtained. It was pointed out to me this morning, that no layman's name had been proposed by me on the Select Committee, that all the names suggested by me were those of lawyers; therefore, I would suggest Sir Jamsetjee Jeejeebhoy's name as well.

With these remarks, Sir, I leave this matter in the hands of this Honourable Assembly. The names of the gentlemen who will form the Select Committee, as now formally proposed, are :

The Honourable Dr. T. B. Sapru, Mr. N. M. Samarth, Mr. T. V. Seshagiri Ayyar, Dr. H. S. Gour, Munshi Iswar Saran, Mr. K. C. Neogy, Mr. Hullah, Sir Jamsetjee Jeejeebhoy, and the Mover.

**The Honourable the President :** The amendment moved is :

‘That the Bill further to amend the Land Acquisition Act, 1894, as passed by the Council of State, be referred to a Select Committee consisting of the following Members :

The Honourable Dr. T. B. Sapru, Mr. N. M. Samarth, Mr. T. V. Seshagiri Ayyar, Dr. H. S. Gour, Sir Jamsetjee Jeejeebhoy, Mr. K. C. Neogy, Mr. Hullah, Munshi Iswar Saran and Chaudhuri Shahab-ud-Din.’

**The Honourable Mr. B. N. Sarma :** Sir, if I intervene in this debate and on this motion at this stage, it is for the purpose of explaining the position of the Government with regard to this Bill and the motion before the House. The amendment of the Land Acquisition Act has been under the consideration of the Government for some years past, and we asked the Local Governments to report as to what they considered ought to be done, especially in view of the recommendations of the Industrial Commission Report. The Government hoped to be able to bring in a general amending Bill dealing with all the points which have been brought to their notice hitherto; but the replies of Local Governments not being complete with reference to several of the important points, and it being considered advisable that we should wait until the reformed Governments have a chance of explaining their position and their views with reference to these important questions, no general legislation has been undertaken in this session and particularly with regard to the acquisition of land for industrial purposes. In 1917, I think the Honourable Mr. Patel introduced a Bill to deal with a position which has been changed by the decision of the Privy Council in the Rangoon case to the effect that the law did not provide for the entertainment of appeals which hitherto lay in practice to the Privy Council. The Government examined the position and asked the Local Governments as to their views on Mr. Patel's Bill. Local Governments have not all approved

[ Mr. B. N. Sarma.]

of any legislation with regard to giving a right of appeal to the Privy Council. I may say that a large number of Local Governments were opposed to the further delay that would be interposed before the acquisition is completed if appeals were to be allowed to lie to the Privy Council. They urged, and with some force, that the proceedings were in the nature of arbitration proceedings, that there ought to be some finality, and that it would be unjust to the general tax-payer and to the progress of works in general, if there should be interminable delay, which would be the result if litigation could be carried on for years and years up to the highest court of appeal. They were fortified in their view by what the Judicial Committee observed in the Rangoon case :

‘ It is impossible to conceive anything more unfortunate than that a court in this country should be called upon to review the determination of arbitrators as to the value of a piece of land in India, a mere question of fact, without the advantage of any local knowledge.’

Several of the High Courts were also in agreement with the Local Governments’ views which I have read out just now. But there has been a diversity of opinion, chiefly amongst lawyers and judges. Several High Court judges urged that there should be an appeal on fact as well as on law, subject to the same conditions as in all other cases under the Civil Procedure Code. The Government of India carefully considered the question, especially with regard to another point which was raised, as to whether it was competent to us to interfere in the way suggested with the discretion of the Privy Council. Ultimately, they arrived at the conclusion they would be meeting the justice of the case and the expectations of the people, without unduly prolonging litigation, if an appeal was allowed on a substantial question of law and was confined to cases of real importance. Hence the Bill which was introduced in the Council of State. The Council of State passed the Bill in the form in which it was presented to them by the Government, and it now appears in the same form before this House. I am not going to contend for one moment that much cannot be said for the view that there should be an appeal on fact as well as on law. It may perhaps be urged on the other hand that there should be no appeal to the Privy Council at all, and that we should be content, especially in these arbitration proceedings, with appeals only to the High Court. The position is perfectly arguable; but I would only interpose with this remark. I would ask Honourable Members not to draw the distinction which is commonly drawn— and which perhaps had some weight in the past not to draw a distinction as between the Government and the public and the Legislature which they represent. Here it is said, ‘ Oh ! Government is a party, and therefore they would have the advantage. It is unjust to deprive the public of a certain advantage which they would otherwise have as against the mighty Government,’ and so on. Well, the question at issue is not between the Government as a body apart from the public and the tax-payer; it is between the public in general and the individual tax-payer whose property may be expropriated under this Act. It is just that the individual whose property is sought to be taken under the Act should be protected and that all due safeguards should be provided for; and we hope that under the Act as it is sought to be amended such safeguards are being provided. But Honourable Members will also be aware of the fact that it is a double-edged weapon; that if an appeal lies on a question of fact in favour of the individual whose property has been acquired, it also lies at the instance of the Government; and it is not always that the Government will be the loser if there should be

an appeal to the Privy Council. The view that the Government had taken hitherto was, that there should be some finality.

I think in these days of industrial development when we hope to be able to push on with our schemes with as much rapidity as possible, it is a factor that has to be taken into consideration as to whether your budgets have to be revised and re-revised subject to the contingency of one court holding one way, another court holding another way and a third court in London holding in a different way. But as I have said, it is a matter entirely for the Council, and if the Council thinks that this matter ought to be thrashed out by a Select Committee specially appointed for the purpose, I do not think it is the business of the Government to place any obstacle whatever in the way, but we cannot recommend ourselves the adoption of such a course. We are entirely in the hands of the Assembly. I have placed before you what can be said on either side, and I would ask that, if possible, the course that has been adopted in the Council of State may be adopted here also, and any amendment relating to an effort being provided on a question of fact may be discussed now and adopted if necessary.

But if the Assembly thinks that a Select Committee would be the proper body to thrash out this question, we have no objection in the matter.

**Dr. H. S. Gour:** In ordinary cases, Sir, an appeal lies to the Privy Council when the finding of the first court on a question of fact differs from the finding of the High Court, in other words, when on a question of fact the two courts differ, an appeal lies to the Privy Council. Therefore in all cases of a civil nature, the Privy Council have the right to hear an appeal in such cases provided of course that the value of the claim is Rs. 10,000 or upwards. Now, if the land is acquired by a treaty and not compulsorily under the statute, the Privy Council will have the right to hear an appeal. Supposing I was to sell my land and afterwards complained that it has gone for an undervalue, which is evidence of fraud, and a question about valuation comes in, and the District Judge gives one finding and the High Court another, then in that case I have a right to go to the Privy Council and ask them to hear my appeal. Well, then, it seems to me that the observations read out by the Honourable Mr. Sarma that it is impossible for the Privy Council to review a mere question of fact cannot be correct. If that be so, then their Lordships of the Privy Council have deprived a vast body of cases of their opinion which, in the exercise of their normal functions, they are every day called upon to decide. In all cases of Transfer of Property where there is a question of valuation of land and on which two courts differ, the Privy Council are, as a matter of course, called upon to decide it, and if the observations which the Honourable Mr. Sarma has read out that without coming to the spot and inspecting the spot it is impossible for the Privy Council to review the decision of the local courts, if that general observation was to apply to all cases going to England from this country, then, I submit, with the utmost respect, their Lordships would not be discharging their duties.

Now, Sir, what difference is there between a voluntary sale and a compulsory sale? None, so far as I can see, except that in the one case the acquisition is made for a certain party and as a matter of necessity; in other words, the purchaser has no option to purchase. In the other case, it is made under a contract. But in either case, so far as the question at issue is concerned, the matter is indistinguishable. I am not at all surprised at the



[ Dr. H. S. Gour.]

arguments put forward by the Honourable Mr. Sarma that there must be finality for litigation. We all admit it, but I submit that if you once give a right of appeal to the Privy Council, you cannot restrict or limit that right by narrowing down the provisions of the Civil Procedure Code which lays down the conditions under which every person has a right of appeal to the Privy Council. I therefore submit, that unless any very clear reasons are given, this must not be made an exception to the rule and must follow the normal law.

**Mr. J. K. N. Kabraji:** Sir, I think this amendment raises a question of procedure in regard to Bills in the two Chambers which it is necessary to settle. Here we have a Bill passed by the Council of State and sent to this House, and it is proposed that instead of considering it in detail before passing it, a Select Committee should be appointed at this stage. I personally fail to see the necessity for a Select Committee. The Bill is a simple one and it seems to me that, now that the Bill has been considered by the Council of State and passed and sent down here, we should proceed to consider it in detail, and already I see a number of amendments have been put down on the paper, so that this House is in a position to consider the details of the Bill. It does not seem to me necessary, nor does it seem to me respectful to the other House that, at this stage a Select Committee should be appointed to go over the whole Bill once again. At this rate it may be said that we shall take up a Bill in this House, pass the Bill and send it up to the other House, and they will then sit in a Select Committee over our Bill once again. I think this establishes a procedure which had better be avoided out of a feeling of mutual respect which should subsist between the two Houses. I therefore oppose the amendment.

**Mr. Amjad Ali:** Sir, I think the course suggested by the Honourable Mover of the amendment to refer the Bill to a Select Committee of this House should be avoided. This Bill has been very carefully considered by the other House, and after due and deliberate consideration it has been sent to us here for consideration. Now the motion put forward by my Honourable friend, the Chaudhuri Sahib, that the Bill should be referred to a Select Committee consisting of certain gentlemen including himself means that the Members of this House are deprived of giving their opinions and discussing the matter fully here. The Members named in the motion will no doubt consider the Bill and place their views before us, the matter will come up again, and then we shall be called upon to put forward our views; thus there will not be any finality; the matter will go on till Doomsday for no reason whatsoever. I do not think, Sir, that this proposal to refer the Bill to a Select Committee of this House will serve any useful purpose inasmuch as very due and deliberate consideration has been bestowed on the matter by the Honourable Members of the other House. If such a course is adopted, that is to say, if this Bill is referred to a Select Committee composed of certain Members of this House, I submit it will be a waste of time and waste of breath, and we shall not be able to go home; we shall have to remain here for a life time.

**Chaudhuri Wajid Hussain:** I am sorry to see again in the House a spirit similar to that which I had the misfortune to witness a few days ago. I am sorry to find that some of us do not fully appreciate the value of the good relations which ought to exist between the Council of State and this

Assembly. We seem to forget that we are after all only occupying two different thwarts in the same vessel of Indian Legislature of which you are pulling one oar and Mr. Muddiman is pulling the other. And in proposals like this of the Joint Committee we have got a sort of common meeting ground, a sort of confluence . . . .

**The Honourable the President :** Order, order. There is no Joint Committee proposed here.

**Chaudhuri Wajid Hussain :** What I mean to say is, that if on any subject we feel that we can agree with the Council of State, there is no reason why we should oppose it on the mere ground that we should not accept anything they say. (Cries of 'nobody is doing that'.) I beg your pardon. I just caught what my friend on the right was saying—I was not here when the discussion took place—but I gathered from what he said that he was opposing it on that ground. I am extremely sorry. Well, I would once more remind the House of our responsibility for treating whatever the Council of State do with a certain amount of respect.

**The Honourable the President :** Order, order. The Honourable Member must really come to the point.

The original question was :

'That the Bill further to amend the Land Acquisition Act, 1894, as passed by the Council of State, be taken into consideration.'

Since which an amendment has been moved :

'That the Bill further to amend the Land Acquisition Act, 1894, as passed by the Council of State, be referred to a Select Committee consisting of the following Members :

'The Honourable Mr. B. N. Sarma, the Honourable Dr. T. B. Sapru, Mr. N. M. Samarth, Mr. T. V. Seshagiri Ayyar, Dr. H. S. Gour, Munshi Iswar Saran and the Mover (*i.e.*, Chaudhuri Shahab-ud-Din).'

The question I have to put is :

'That the Bill be referred to that Select Committee.'

#### AYES - 34.

Abdulla, Mr. S. M.  
Abdul Quadir, Maulvi.  
Afsar-ul-Mulk Akram Hussain,  
Prince.  
Agarwala, Lala G. L.  
Aiyer, Sir Sivaswamy.  
Ayyar, Mr. T. V. Seshagiri.  
Barua, Srijiut Debi Charan.  
Cotelingam, Mr. J. P.  
Currimbhoy, Mr. R.  
Das, Babu B. S.  
Dwarkanadas, Mr. J.  
Faiyaz Khan, Mr. Muhammad.  
Ginwala, Mr. P. P.  
Gour, Dr. H. S.  
Hussanally, Mr. W. M.  
Ibrahim Ali Khan, Nawab  
Muhammad

Iswar Saran, Mr.  
Jeejeebhoy, Sir Jamsetjee.  
Joshi, Mr. N. M.  
Majid, Sheikh Abdul.  
Majumdar, Mr. J. N.  
Man Singh, Bhai.  
Misra, Mr. Piyari Lal.  
Neogy, Babu Khitish Chandra.  
Norton, Mr. Eardley.  
Pyari Lal, Mr.  
Rangachariar, Mr. Tiruvenkata.  
Reddiyar, Mr. M. K.  
Samarth, Mr. N. M.  
Shahab-ud-Din, Chaudhri.  
Singh, Babu B. P.  
Venkatapatiraju, Mr. B.  
Vishindas, Mr. H.  
Wajihuddin, Haji.

## NOES—53.

Abdul Rahman, Mr.  
 Ahmed, Mr. Zahi-ud-Din.  
 Amjad Ali, Mr.  
 Aiyar, Mr. A. V. V.  
 Asjad-ul-lah, Maulvi Miyan.  
 Bagde, Mr. K. G.  
 Bhargava, Mr. J.  
 Bryant, Mr. J. F.  
 Carter, Sir Frank.  
 Crookshank, Sir Sydney.  
 Dalal, Sardar B. A.  
 Dass, Pandit R. K.  
 Dentith, Mr. A. W.  
 Fell, Sir Godfrey.  
 Gajjan Singh, Mr.  
 Ghulamjilani Bijlikhan, Sardar.  
 Gidney, Lieutenant-Colonel H. A. J.  
 Gulab Singh, Sardar.  
 Habibullah, Mr. Muhammad.  
 Holland, The Honourable Sir Thomas.  
 Hullah, Mr. J.  
 Hutchinson, Mr. H. N.  
 Ikramullah Khan, Mr. Mirza Md.  
 Kabraji, Mr. J. K. N.  
 Keith, Mr. W. J.  
 Latthe, Mr. A. B.  
 Mahadeo Prasad, Mr.

Maw, Mr. W. N.  
 McCarthy, Mr. Frank.  
 Mitter, Mr. D. K.  
 Muhammad Hussain, Mr. T.  
 Mukherjea, Babu J. N.  
 Mukherjee, Mr. T.  
 O'Donnell, Mr. S. P.  
 Percival, Mr. P. E.  
 Pickford, Mr. A. D.  
 Raja S. P. Singh.  
 Rajan Baksh Shah, Mukhdum Syed.  
 Rao, Mr. C. Krishnaswamy.  
 Renouf, Mr. W. C.  
 Sapru, The Honourable Dr. T. B.  
 Sarfaraz Hussain Khan, Mr.  
 Sen, Mr. Sarat Chandra.  
 Singh, Raja S. P.  
 Sinha, Babu Adit Prasad.  
 Sircar, Mr. N. C.  
 Spence, Mr. R. A.  
 Spry, Mr. H. E.  
 Ujagar Singh, Baba Bedi.  
 Waghorn, Colonel W. D.  
 Wajid Hussain, Mr.  
 Watson, Sir L. P.  
 Wild, Mr. C. E.

The motion was negatived.

The motion, that the Bill be taken into consideration, was adopted.

**Rao Bahadur T. Rangachariar :** Sir, doubt has risen in my mind on a question of procedure, and I wish the Chair's ruling on the point.

As we know, the proposal of Government is to amend a certain section of the Act, but my amendment is to amend another section of the Act. As this question may arise frequently in the course of our proceedings, I desire to know whether I am entirely in order in moving this. In May's Parliamentary Practice some doubt is cast on this point, and our Standing Orders and Rules do not sufficiently enlighten us. My amendment has nothing to do with the amendment proposed, but it is an amendment to the original Act itself.

**The Honourable Dr. T. B. Sapru :** Sir, I will put one or two considerations before the House with reference to the remarks that have fallen from my Honourable friend opposite.

The amendment which stands in his name is really outside the scope of the Bill as drafted. The Government have had no opportunity of giving any consideration to this question, nor do I think that the Members of the other House have had any opportunity of giving such attention as the scope of this amendment would seem to require. I would, therefore, beg you, Sir, to give a ruling as to whether it will be open to a Member of this House to move an amendment which is outside the scope of the Bill as originally drafted. I may be permitted to say that in past years it has never been the practice to allow a new amendment to be moved which is entirely outside the scope of the Bill. On that ground, I would certainly oppose my Honourable friend's motion. It may be that we may have a Bill for the amendment of a certain section of the Indian Penal Code. For instance, we had a Bill with regard to the abolition of the penalty of forfeiture. I shall ask the House to imagine how difficult it would be for this House to deal with an amendment which touched,

say, the offence of murder or manslaughter. Or, as my Honourable friend, Sir William Vincent, reminds me, we had a Bill with regard to section 55 of the Civil Procedure Code. Suppose my learned friend at that time had intended to move an amendment the effect of which was to enlarge the scope of section 115 of the Code which deals with the question of revisions. That would be extremely inconvenient to the House, and certainly would place the Government in a very false position because they never had any opportunity of considering that matter.

**The Honourable the President:** A somewhat curious situation has arisen. The amendment moved by the Honourable Member on my left is undoubtedly within the title of the Bill as drawn, and yet it is equally undoubtedly outside the scope of the substance of the Bill, which provides for an appeal to the Privy Council. Therefore, on the ground of practice, I think I am bound to rule it out of order. At the same time, I suggest to the Government, that it will be wise to protect themselves by seeing that the title of a Bill is not wider than its substance. If I were to go by this title, I should have to allow any and every amendment to the Land Acquisition Act, 1894. (*An Honourable Member:* 'Amend the Title.') That can, no doubt, be amended hereafter, but the title of the Bill as presented to the Assembly must be held to give the substantial purport of the measure in the minds of the Government.

**Rao Bahadur T. Rangachariar:** In obedience to the ruling of the Chair, and in view of the fact that the Honourable Member for Agriculture has told us that in revising the Act he will bear this in mind, I do not think I need press my motion.

The amendment was, by leave of the Assembly, withdrawn.

**Chaudhuri Shahab-ud-Din:** Sir, the amendment which I propose to move is only a verbal one. Clause (2) of the Bill says:

'Every such award shall be deemed to be a decree and the grounds of every such award a judgment within the meaning of section 2, clause (2), and section 2, clause (9), respectively, of the Code of Civil Procedure, 1908.'

I think, that in conformity with the phraseology of the Civil Procedure Code as well as on common sense grounds the words suggested by me, that is, 'and the statement of the grounds' should be substituted in place of the words 'and the grounds.' Under the Civil Procedure Code, 'judgment' means:

'A statement given by the judge of the ground of a decree or order.'

Grounds may exist but, unless they are stated in the award, surely they cannot be said to be a judgment. Though, technically, the judgment of a

\* That after clause (1) the following be inserted as clause (2) of the Bill:—

'2. In the proviso to Section 6(1) of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) after the words 'Provided that' the following shall be inserted namely:

(a) In all cases where the person interested in the land so requires, no such declaration shall be made without previous consultation with the local authority of the town, district or division, within whose local limits the land is situated and (b)'

That clause (2) be re-numbered '3' and in the said clause as re-numbered the words 'Section 26 of the said Act' be substituted for the words 'Section 26 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act)'; and that clause (3) be re-numbered '4'.

[Chaudhuri Shahab-ud-Din.]

Collector is called an award, yet it is an order or a decree. Therefore, the grounds stated by the Collector *in the award* should be considered to form the decree. There may be grounds which are not stated, yet they may be grounds for the award, but, of course, they will not form part of the judgment or award, and, therefore, they cannot constitute a decree. I think my amendment is a verbal one, and, as it is in consonance with the provisions of the Civil Procedure Code, I hope it will be accepted without much hesitation.

**The Honourable the President :** Amendment moved :

‘That in clause 2, for the words ‘and the grounds,’ the words ‘and the statement of the grounds’ be substituted.’

**The Honourable Mr. B. N. Sarma :** I have no objection to accepting it.

The amendment was adopted.

**Chaudhuri Shahab-ud-Din :** The next amendment which I beg to move, Sir, is—

‘That the word ‘and’ at the end of sub-clause (2) (i) of clause 3 be converted into the word ‘or’.

That will meet my object. As stated in moving my first amendment for reference of this Bill to a Select Committee, it is to my mind very unfair that when litigation is between two private individuals, the right of appeal should be governed by one set of rules, but when the litigation is between the Government and a private individual, there should be another set of rules for regulating the right of appeal to the Privy Council. Therefore, I propose, that as in ordinary cases there is a right of appeal to the Privy Council when the subject matter exceeds Rs. 10,000, let that right be allowed to a private individual or even to the Government when they want to appeal in a case relating to the acquisition of land. In a large number of cases under the Land Acquisition Act the question for decision by the Collector or by the District Judge as well as by the High Court is a question of fact, that is, the market value of the land to be acquired. Therefore, to lay down that there shall be a right of appeal when the amount in dispute in appeal is Rs. 10,000 and upwards *and* the appeal involves some substantial question of law amounts almost to giving no right of appeal. Therefore, I propose that if the word ‘and’ is substituted by the word ‘or’ at the end of sub-clause (2) (i), my object will be achieved.

With these words, I propose the amendment.

**The Honourable the President :** Amendment moved :

‘That in clause 3 for the word ‘and’ at the end of sub-clause (2) (i) the word ‘or’ be substituted.’

**The Honourable Mr. B. N. Sarma :** Sir, the object of the Honourable Member in proposing this amendment is evidently to confer a right of appeal in all cases where the subject matter of the appeal is Rs. 10,000 or upwards whether it be on a question of fact or on a question of law, and in all cases below Rs. 10,000 if there be a substantial question of law. I take it, that is his object. Well, Sir, the Government regret that they cannot accept that position. It goes further than the Civil Procedure Code at present enacts. The object, as I have said, of the Government has been to give a right of appeal whenever any important question of principle, on the determination of which the quantum of compensation would largely depend, is involved, and in cases

of some importance, and, consequently, they have put in these two provisos, first of all that the subject matter of the appeal to the Privy Council must be Rs. 10,000 or upwards which follows the analogy of section 110, Civil Procedure Code, and the rules providing for the subject matter of appeals to the Privy Council, and, secondly, that there must be a substantial question of law involved. Therefore, in minor cases there would not be any right of appeal to the Privy Council. Of course, the Privy Council in their extraordinary jurisdiction may or may not admit an appeal if they should think fit to do so, but that is a question with which we are not concerned. We are now concerned only with the question as to whether by Statute we should confer upon an expropriated party the power of appealing against a decision of the highest court in this land, namely, the High Court. The first safeguard is, that it should be in respect of some matter of value that this appeal should go to the Privy Council and the first proviso therefore says that it must be Rs. 10,000 or upwards.

Then, the question is, is an appeal to be allowed on a question of fact or on a question of law or both where the appeal satisfies the first requirement, namely, that the value is Rs. 10,000 or upwards? The Government's position, as I have already explained, is to adopt an intermediate course between the course suggested by various Local Governments and High Courts of having no appeal at all and the other course which has been advocated by others of providing an appeal in all cases to the Privy Council. They said :

'Here the subject has been exercising, rightly or wrongly, the right of carrying his appeal to the Privy Council; therefore he would feel aggrieved if that right be cut down.'

1 P.M.

So, let there be a right of appeal only where there is a real necessity for it. The Honourable Chaudhuri Shahab-ud-Din's contention was, that by allowing a right of appeal only where a question of law was involved, we are practically rendering nugatory the power which we profess to give by this Bill. I submit, not. When we have to deal with sections 23 and 24 of the Land Acquisition Act, there are various principles which should guide the Land Acquisition Act Officer as well as the Judge who has to try the case. The question as to what amount of compensation should be given would be largely dependent upon a correct determination of the principles upon which the valuation is to proceed. Therefore, to say that we are rendering it illusory or provide for cases where there is no necessity, I submit, is arguing wrongly. There are cases in which it is but right that the highest court, namely, the Privy Council, should have an opportunity of laying down authoritatively the interpretation of the principles laid down in the Land Acquisition Act; and therefore we say, that where there is a substantial question of law, there should be an appeal to the Privy Council. But I would respectfully submit, no case has been made out to this House for a provision for appeal on a pure question of fact as to whether the principle being conceded, the ground on which the money is to be paid, the land, the buildings, improvements or trees have to be valued; having been settled, how much is to be awarded is a question, I submit, which ought primarily and wholly be left to the determination of the courts here.

I submit once again to this House, that these are really in the nature of arbitration proceedings. For a period of more than fifty years, from the year 1870 onwards, we have looked upon them, subject to certain exceptions, as arbitration proceedings: we always talk of the decision as being an award of the

[ Mr. B. N. Sarma. ]

Collector, or an appeal lying from an award to the district judge ; the principal court of civil jurisdiction sat with assessors, and not independently, for many years, and consequently substantial provisions have been enacted in the Land Acquisition Act to treat these cases as being on a footing somewhat different from the ordinary cases where the question of prices between the vendor and the vendee may arise for adjudication. I have already also enlarged to some extent upon an essential aspect of the Land Acquisition Act proceedings that speed is of the essence of the transaction. We should not be holding up these proceedings indefinitely, as we may be doing by having these protracted proceedings continued up to the court in England if we can help it, that is, where we can prevent it without doing injustice to the subject.

I think exception has been taken to the expression of the opinion of Lord Macnaughten as to whether the Privy Council were right in renouncing the jurisdiction which they had been exercising for many years past by entertaining appeals both on questions of fact as well as of law. I think, Sir, we ought to have some regard to the expression of the views of His Majesty's Judges of the Privy Council who, after all, are the persons who have to deal with these matters ; it is a question of prerogative, and exception was taken by the Chief Justice of one High Court as to whether it would be competent to this Legislature to interfere with the discretion of the Privy Council when they express their disapproval of a particular course. The question was elaborately discussed by the law officers and the view has been taken that it was a matter in which the Legislature may, if they choose, confer jurisdiction. Therefore, I submit, that we have gone further than what the Privy Council have recommended and what several of the Local Governments have recommended in providing for an appeal to the Privy Council in particular cases. Honourable Members must, however, remember that there is a limit beyond which we ought not to proceed or rather go counter to the wishes of His Majesty's Judges. I may submit here, that the Judges of the Calcutta High Court have expressed themselves pretty clearly :

' As regards the second point, namely, whether there should be an appeal to the Privy Council, I am to say that no question appears to have ever been raised as to the right of appeal to the Privy Council before the Rangoon case.' ' Having regard to this expression of opinion by the Judicial Committee the Chief Justice and the Judges think that there should be no appeal to the Privy Council on a pure question of fact ; but that when a substantial question of law or of valuation arises, there should be an appeal subject to the usual provision as to value and subject to any rule which the Privy Council may make.'

That was the considered opinion of the Judges of the Calcutta High Court. The Patna High Court and the Madras High Court were divided, and so, I believe, was the Allahabad High Court. The Governments of Madras, Bengal and Bombay were against it. I believe, so also was the Central Provinces. I submit, therefore, in view of the convenience of the parties, in view of the fact that this limitation would work both against Government as well as in favour of Government, in the interests of finality of litigation, in the interests of the special character of these proceedings, I submit, that Members would take the same view as Members of the Council of State did, namely, restrict the right of appeal only to cases where questions of law are involved.

**Mr. J. Chaudhuri :** May I, Sir, ask the Honourable Member to state what the opinion of the majority of the Judges of the Patna and other High Courts is, and how they are divided ? That will throw some light on the question.

**Mr. T. V. Seshagiri Ayyar :** Sir, it is mainly because in the amending Bill Government have restricted the power which under the Civil Procedure Code a party possesses in respect of a subject-matter of the value of less than Rs. 10,000, that this amendment has been moved. If the Honourable Member who spoke on behalf of the Government will turn to two sections which throw a considerable light upon this question, namely, sections 109 and 110 of the Civil Procedure Code, he will find that by this Bill he is restricting considerably the power which a party will have to prefer an appeal to the High Court if it was a case governed by the Civil Procedure Code. Now, the position to put it shortly, is this. In cases where the subject-matter is of less value than Rs. 10,000 power is given to the High Court to certify that it is a fit case for going to the Privy Council. If you turn to section 109, there are three clauses of cases mentioned there. Subject to such rules as may from time to time be made by His Majesty in Council regarding appeals from the courts of British India and to the provisions hereinafter contained an appeal shall lie to His Majesty in Council :

- (a) from any decree or final order passed on appeal by a High Court or by any other court of final appellate jurisdiction ;
- (b) from any decree or final order passed by a High Court in the exercise of original civil jurisdiction ; and
- (c) from any decree or order, when the case, as hereinafter provided, is certified to be a fit one for appeal to His Majesty in Council.

Section 110 says :

‘ In each of the cases mentioned in clauses (a) and (b)—[not the certificate clause (c)]—of section 109, the amount or value of the subject-matter of the suit in the Court of first instance must be ten thousand rupees or upwards, .....’.

So far as clause (c) is concerned, that is altogether unaffected by the value of the subject-matter. All that you have to do is to go before the High Court and ask the High Court to certify that the case is a fit one for appeal to His Majesty in Council. I shall mention a case in point and I would ask the Honourable Mr. Sarma to consider it. There may be a test case as regards land acquisition, and it may be as regards the subject-matter in value less than Rs. 10,000.

But it may involve an important and substantial question of law, and although this particular case may be of the value of less than Rs. 10,000, still there may be a principle involved in it, which may render it desirable to have the decision of the highest tribunal in the country ; and the High Court would then certify that it is a fit case for an appeal to the Privy Council. Now in the amending Bill the Government have omitted this clause, and I want to know why they have taken away this ordinary right which a suitor possesses to ask the High Court to certify that his case is a fit one for being heard by the Privy Council? If they had inserted that, I would not have thought of supporting the amendment moved. But inasmuch as they have omitted that important provision which would enable a party to go to the Privy Council on a certificate from the High Court, this motion seems necessary. I think this is a very important matter, and the Bill should not be rushed through in this manner. I therefore move, Sir :

‘ That as this is a very important matter and involves the consideration of a large number of questions, the further consideration of this Bill be adjourned till the next session of this House.’



**Dr. H. S. Gour :** Sir, I wish to move a very short amendment which I think will be acceptable to the House :

‘ Subject to the Code of Civil Procedure, 1908, applicable to appeals from original decrees and notwithstanding anything to the contrary in any Act of a local Legislature, an appeal shall lie in any proceeding to the High Court from the award or from any part of the award of the Court and subject also to the provisions of the same Court, to His Majesty in Council from that of the High Court.’

This is the first clause proposed to be substituted, and I propose that the whole of clause (2) should be cut out, and I think the Honourable Mover.....

**The Honourable the President :** I think I will put the discussion in order by putting the question that this debate be adjourned.

**Dr. H. S. Gour :** Sir, so far as the amendment of the Honourable Mover is concerned, it is unacceptable, and I wish to explain to the Honourable Mover himself why it is unacceptable. By changing ‘ and ’ into ‘ or ’ he makes all cases over Rs. 10,000 in value necessarily appealable to the Privy Council, but such cases are not appealable to the Privy Council unless the judgments of the courts are non-concurrent. The result then would be that he would greatly enlarge the provisions of the Code of Civil Procedure and much to the misfortune of the appellants, because the Privy Council have in a series of cases, I think for the last 75 years, laid down that where the judgments of the two courts are concurrent on a question of fact they will decline to interfere. The result would be that this amendment would countenance an appeal to the Privy Council in cases with a certainty that the Privy Council will reject it as a matter of long established practice. Now, can such an amendment ever be permitted ? I submit, not. Now, if we pass on to the next clause (b) or rather clause (2), we are landed in . . . . .

**The Honourable the President :** The Honourable Member must address himself to the motion.

**Dr. H. S. Gour :** That is exactly what I am doing.

**The Honourable the President :** I cannot allow him to go into such voluminous detail.

**Dr. H. S. Gour :** Then coming to clause (2) —I am just trying to show why adjournment should take place, if the claim is only for Rs. 5 triable in the court of a munsiff and there is a substantial question of law, then it will be appealable to the Privy Council, which is absurd, the word ‘ or ’ disjoins the previous clause as to valuation and make every case appealable if it ‘ involves some substantial question of law.’ Therefore, apart from valuation, if there is a substantial question of law in a case valued at, say Rs. 5, it is appealable to the Privy Council, does the Honourable Mover suggest that this is the intention ? I submit, therefore, he has not conveyed his intention in changing the word ‘ or ’ for the word ‘ and ’, and I therefore think that Mr. Seshagiri Ayyar was perfectly right in saying that this amendment as it stands makes confusion worse confounded, and I think the Honourable Mover will be advised to withdraw that and substitute my amendment for his own.

**Dr. Nand Lal:** Sir, I rise to oppose the amendment moved by my Honourable friend, Chaudhuri Shahab-ud-Din.

**The Honourable the President:** Order, order. The Honourable Member must address himself to the motion before the House, which is, that this debate be now adjourned. He must bring forward reasons to show why it should either be adjourned or not be adjourned.

**Dr. Nand Lal:** I am not in favour of an adjournment of this motion. The point is quite simple, and does not require a great deal of explanation. If the word 'and' be substituted for the word 'or', namely, if the word 'or' is put in the place of word 'and', then it amounts to this, that irrespective of the value every appeal could go to the Privy Council. There should be some argument in support of the contention that there is no necessity for an adjournment, namely, I should give reasons why I am not in favour of an adjournment. The Honourable Mover of the motion has simply said that the point involved in his amendment is a very important one and that sufficient time should be allowed to think about it. That is the crux of the whole thing upon which the motion in regard to the adjournment is based. As I have said, I am against it, and my reasons are as follows. The amendment, which was placed before the House originally, can be discussed without any further loss of time. The word 'and' which stands in sub-clause (2) should remain as it is. If it is replaced by the word 'or', it amounts to this, that the Privy Council will be flooded with any number of appeals. This will go in the direction of increasing litigation. It means that if the value of a suit is Rs. 100, even then an aggrieved party has the right of going to the Privy Council. It stands self-condemned. Therefore, I am sure, no Member of this House will be in favour of it, since the substitution of the word 'or' for 'and' is not desirable. I therefore think that there is no necessity for the adjournment.

**Mr. J. Chaudhuri:** Sir, I beg to support Mr. Seshagiri Ayyar's proposal, that the consideration of this Bill should be postponed, and that for this reason. The Honourable Mr. Sarma should place before us the opinions of the High Courts; we have not had an opportunity of seeing them yet. Besides, I entirely agree that the second clause need only state that there should be an appeal to the Privy Council as a matter of course when the value of the suit is Rs. 10,000 and upwards, and in other cases, provided that leave is given by the High Court; that is all that is necessary. We need not embody anything else in the clause. So far as Dr. Gour's amendment is concerned, I think it is much too complicated and we should ask for more time if we have to consider that amendment. It is a long amendment and as lawyers we are not in the habit of giving any opinion on the spur of the moment. So I oppose that amendment, but I support my Honourable friend, Mr. Seshagiri Ayyar's amendment that the consideration of this Bill be adjourned for the present.

**Sir P. S. Sivaswamy Aiyer:** Sir, it seems to me that it is really unnecessary to adjourn the debate upon this question. The point at issue is a very simple one. Shall there or shall there not be an appeal to the Privy Council from decrees of the High Court on the same grounds on which appeals are admissible in ordinary cases? That is a point which it is open to the House to decide now, and it is unnecessary to postpone this debate for a month for the purpose of having this issue decided. If Mr. Chaudhuri Shahab-ud-Din accepts the amendment which has been proposed by Dr. Gour,

[ Sir P. S. Sivaswamy Aiyer.]

I think we can easily dispose of this question in a satisfactory manner. I therefore oppose the motion for postponement.

**Mr. N. M. Samarth :** Only one word, Sir. I support the motion of my Honourable friend, Mr. Seshagiri Ayyar. I do so more especially as I have in view the development schemes which are going on in Bombay. They have given rise and are likely to lead to a crop of cases under the Land Acquisition Act. Under the law as it stood before the Privy Council decision, and the recent decision of the Bombay High Court in accordance therewith, the Bombay High Court could certify in a fit case, although the subject-matter was less than Rs. 10,000, that it was a fit case to go to the Privy Council for final adjudication and decision on the point involved. In Bombay, there are various land tenures of different kinds and they have all come into a state of flux at present on account of, and in the area affected by, the development scheme. If my Honourable friend, Sir Sivaswamy Aiyer, had only some idea of the confusion that has arisen there, he would not have opposed the motion for adjournment.

The motion, that this debate be now adjourned, was adopted.

The House then adjourned for Lunch till Twenty-Five Minutes past Two of the Clock.

The Assembly re-assembled after Lunch at Twenty-Five Minutes past Two of the Clock. The Honourable the President was in the Chair.

## RESOLUTION *RE* INCOME-TAX ASSESSMENTS.

**The Honourable the President :** It has been put to me that it would meet the convenience of the Honourable Finance Member, as his presence is urgently required in another place, if we were to take the Resolution standing in the name of Rao Bahadur T. Rangachariar at once, and I propose to do so with the leave of this Assembly.

**Rao Bahadur T. Rangachariar :** Sir, the Resolution which I have the honour to move runs as follows :

'This Assembly recommends to the Governor General in Council to amend section 51 of the Income-tax Act, 1918, so as to bring it into conformity with the provisions of the English Income-tax Act in order that references to the High Court at the instance of assesseees may be made obligatory on the authorities.'

Sit, section 51 of the Income-tax Act runs as follows :

'If in the course of any assessment under this Act or any proceeding in connection therewith other than a proceeding under Chapter VII a question has arisen with reference to the interpretation of any of the provisions of this Act or of any rule thereunder, the Chief Revenue Authority may, either on its own motion or on reference from any revenue officer subordinate to it, draw up a statement of the case and refer it, with its own opinion thereon, to the High Court and shall so refer any such question on the application of the assessee, unless it is satisfied that the application is frivolous or that a reference is unnecessary.'

The provisions in relation to the assessment, imposition and collection of income-tax in England are very dissimilar to the provisions in this country. There you have got an elaborate system of general commissioners and special commissioners and assessors, and in fact, before an assessment is made, there is a careful investigation by competent people acquainted with the locality,

acquainted with the trade and acquainted also with the circumstances and position of the parties. But in this country the provisions have the merit of being simple, but I cannot say that they have the merit of being effective or beneficial to the assessee. Nor can I say that they are fair, having regard to the way in which the provisions of the Income-tax Act are worked, at least in my part of the country.

I may mention, Sir, that in the last two years there have been lots of complaints by very respectable communities in my province against the way in which the Income-tax Act has been worked, and in several cases applications were made to the Chief Revenue Authority, before whom such matters came, to refer the matter to the High Court, and several complicated questions arising on the construction of the statute or the rules framed under the Act have arisen where the Chief Revenue Authority refused to refer the matter to the High Court, holding that they had no doubt about the way in which the sections or rules should be construed. In one case very recently, where the Chief Revenue Authority refused to refer the matter to the High Court on a plain question of construction, the assessee went up to the High Court and took out a notice for *mandamus* against the Authority in order to refer the matter to the High Court. One learned Judge of the High Court actually gave a *mandamus* and directed the Revenue Authority to make a reference to the High Court on that matter. But, Sir, the defects of the law are such that the matter was taken up to a Full Bench of the High Court where their Lordships held, that although the High Court were satisfied that the Revenue Authority had failed to do his duty, and also that the construction put by the authority on the sections of the Act and the rules thereunder could not be sustained, they felt that they were without jurisdiction and therefore they said, that they could not compel the Revenue Authority to make a reference to the High Court. In England, where you have got competent people to deal with assessments, the provisions of the Act—I am referring to section 149 of the English Income-tax Act of 1918—require, that when an assessee applies to the Commissioner to make a reference to the High Court, he is bound to do so if the assessee makes a certain payment as fees in order to provide for the expenses of the reference. And in a country like that, where the people are educated, where the assessment is made by such responsible people with the assistance of assessors, where you have got such an elaborate machinery, the law recognises the right of the assessee to apply for a reference to be made to the High Court in order to decide questions of law which arise during the course of the assessment. I think it is much more necessary in this country that such a reference should be made compulsory. We have got several provisions in other Acts such as the Presidency Small Cause Courts Act and several other Acts, where references at the instance of parties are made compulsory on the part of the Authority and it would be a great relief indeed where difficult questions arise in the course of assessment cases, as we see in practice, and it would be highly beneficial to the parties and also to the Government to take the decision in complicated questions of the highest courts in the land. On the other hand, the unpopularity due to the administration of the Income-tax Act throughout the country will disappear if such facilities are given to the parties.

I, therefore, strongly urge upon the Government to consider the advisability of bringing the law into conformity with the law.

The section I had in my mind is section 149 of the English Act.

**The Honourable Mr. W. M. Hailey:** I hope that the Honourable Mover and the House will excuse me if I do not deal with the subject at great length because I am, as you yourself explained, Sir, just now, under the necessity of attempting to be in two places at once, and I wish to get over that physical disability attending such an operation as soon as possible.

I think that the complaint that the Honourable Mover has brought against the present provisions of the Act is, if I may say so in justice to the Act and the manner in which we administer it, largely a local one. The matter was discussed at considerable length in the course of the last meeting of the Associated Chambers of Commerce at Calcutta and there was not on that occasion expressed a general feeling that the Act needed revision in this respect. But the figures that we have supplied to the Honourable Member in reply to questions which he put in this House, certainly show that there have been in Madras a considerable number of applications for a reference being made to the High Court, and that a considerable proportion of these have been refused by the Revenue Authorities. Now, our interests are all in the direction which the Honourable Member has suggested, namely, that we should try to give the maximum possible satisfaction to our assesses. We have in late years raised the maximum tax on them and we are proposing to do so again. The consequence is, that every one is taking a greater interest in the administration of the Act; complexities in working are continually being brought to light; legal difficulties are being put forward in increasing numbers, and I myself am free to confess that I think in consequence that it is better that we should place it within the power of assesses to obtain without restriction the decision of the High Court on points of difficulty. As the Honourable Member and the House are aware, we are doing our best to secure a more highly qualified establishment for assessments under the Act; the House had this matter before it in the course of our demands for grants, and I think there was a very general agreement that we were justified in placing a considerable sum of money in the Budget with a view to improving our income-tax establishment. As I have said before, our object is not only to get in more money—though, of course, that is one object—but to get absolute fairness in the assessments made under the Act.

Now, with regard to the definite measure which the Honourable Member asks us to accept, I may tell the House that we are about to appoint a Committee to go into the whole question of the revision of the Act particularly in regard to methods of assessment. The recent report of the Commission on Income-tax at Home has placed a great deal of new material and new points of view at our disposal and we intend to see what we can do to improve our own Act on the lines adopted in England. We do not want to make it too complex, but we do want to get the fairest, the easiest and the most equitable methods of assessment possible. I can undertake that the question of a direct reference to the High Court shall be placed before that Committee, and I myself am also prepared to undertake that it shall be placed before them as sympathetically as possible. I hope that the Honourable Member will be satisfied with that declaration. I cannot give him a positive commitment at this stage that we shall legislate because, as the House will very easily understand, it is not possible for me to bind the Government to propose legislation in any one form or other. But I myself am prepared to put forward as sympathetically as possible this question to the Committee which will shortly examine the whole scope of the Act.

**Mr. Eardley Norton:** While, Sir, I am grateful to the Government for giving us an assurance that when a reference is made to the Committee appointed to consider the revision of the present provisions of the Act, a sympathetic attitude will be adopted towards the principle embodied in the Resolution of my friend, Mr. Rangachariar, I should prefer to have been told that the acceptance of that Resolution and of its contents depended rather upon the acceptance of the question of principle than upon any mere question of expediency. There is a great principle at stake here, a principle which has been consistently departed from by the Government for years past, and that principle is that no man shall be a judge in his own case. That principle has been departed from not merely on questions with regard to income-tax but in almost every fiscal question which arises between the subject and the Crown. The Government have invariably arrogated to themselves the indefensible position of first of all saddling you with the amount which they claim and then allowing you practically no appeal against that decision. Take for instance, the question of income-tax. It is the Government through their Collectors who first of all make up the amount. From the Collector, who is only a department of the Government, you go to the Revenue Board which is another department of the Government. The sympathy between these departments extends naturally, although improperly, to the extent of trying to support each other's views; and with very few exceptions the Board of Revenue accepts and endorses the view of the Collector. In how many instances does the Board of Revenue act upon the discretion with which it is invested to refer these matters to the decision of an impartial tribunal like the High Court? Practically never.

Then, another matter which I have to complain of, is, that in contradistinction to the Commissioners of Revenue in Bengal, in Calcutta, the Revenue Board in Madras decline to hear counsel. They not only adjudicate *ex parte* upon the views as propounded in the first instance by the Collector, but they refuse to hear parties by counsel. I maintain that that also is a grave infringement of the rights and privileges of citizenship. In that respect, the Presidency of Madras for which I sit is more benighted than the Presidency in which I live and work; in Calcutta, at any rate, they go through the semblance of a form of impartiality by listening to counsel, although possibly they do not often understand him. But I must protest against the system as a whole and I hope the Honourable Member will go much further than merely offer us a benevolent sympathy on this question when it comes up before the contemplated tribunal for the revision of this act. I ask him to go much further; I ask him to press it as an act of justice to which we are all equally entitled. As I have said, the principle at Home, which is never departed from, is that in all questions of fiscal dispute between the Crown and the subject, the matter is taken, as it ought to be taken, out of the hands of the gentlemen who adjudge the imposition of the fine; it is taken out of their hands and placed in the hands of a tribunal which is absolutely impartial and cannot be influenced. I do not understand why there should be any difficulty in introducing this wholesome practice into India. I ask that when this matter comes up for consideration and determination at a future period, the Honourable Member and the Government will not merely press the matter sympathetically, but will insist that the procedure which has been in existence for so long in England shall be introduced into and made part of the law of this land on the short and simple principle that no man ought to be the judge in his own case.

**Rao Bahadur T. Rangachariar:** Sir, in view of the statement made by the Honourable the Finance Member,—and I take it he is shortly going to appoint a committee to go into the question,—I will not press my Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

## RESOLUTION *RE* THE EXECUTION OF THE PROGRAMME OF NEW DELHI WORKS.

**Mr J. K. N. Kabraji:** Sir, I beg to move :

‘This Assembly recommends to the Governor General in Council that in the interests of economy and of general convenience alike the execution of the programme of New Delhi Works may be expedited and the necessary funds provided or raised so that the Secretariat and Legislative buildings and connected works, including residences, may be completed as early as practicable.’

Sir, I feel there is an easy task before me. I may assure Honourable Members that I do not propose, nor do I think it necessary, to make a long speech in support of this motion. Only a week ago, a debate took place on the demand for grant No. 53, relating to ‘Delhi capital outlay’, and that debate showed, that whatever may have been the views as to the amount of expenditure on the New Delhi works, there was practically unanimity on one point; in fact I believe there was only one dissentient; and the unanimity was on the point that the work should be pushed on as fast as possible. There were some motions indeed for reducing the grant; but I formed the impression that these motions were put down more with a view to raise the question why the works were not pushed on and why more money was not being voted every year so as to complete the programme in a short time.

Now, the question of the site of a capital city for the Government of India is no longer open to discussion. From a political, no less than from a historical point of view, Delhi, it is generally agreed, is the natural capital of India and it is also the national capital of this country and of the British Indian Empire. It may be in the recollection of several Honourable Members that some time ago a picture of India,—a symbolical picture of India,—was issued which was meant to be a political picture for propaganda purposes. It represented Goddess Hind (India) as a figure over-spreading the whole continent of India, from the Himalaya mountains to Cape Comorin, and from the westernmost to the easternmost point. I say, it was intended to be a political picture, but it has a special significance. I think Honourable Members will agree that it typifies a united India under British rule. For it is certainly for the first time in history that all India from north to south and west to east up to the furthestmost points is united under one rule together with the native states of India. That picture shows Delhi as situated at the seat of the heart of the goddess who represents that body politic, the united continent of India and it is therefore in the fitness of things that Delhi should be the capital of the India of to-day as it has been in ages past.

In last week’s debate, the general feeling was that interests of economy were not really served by this protracted programme which has now been in course of operation for some five years and is expected to last for another 7 and 8 years. All this time all concerned have to put up with much personal inconvenience as also inconvenience of their official work. It is not the case that all this is unavoidable, for it was understood that if more money was forthcoming every year, more could be done by the Public Works Department

I think I understood Sir Sydney Crookshank to say that he would be quite prepared to spend two crores of rupees every year instead of one crore, and probably that would keep the establishment more fully employed, while he would not be able to see his way to reduce the present establishment even if the annual grant was maintained at one crore only.

The only other Government department concerned seems to be the Finance Department, and we have had no clue from the Finance Minister as to how he looks at the matter, and whether he is prepared to help further than he has been able to do this year.

Now, as Sir Sydney Crookshank explained, the present position is roughly, that the new Government House is about a third built, the Secretariat is about two-fifths built, and the residential buildings are about three-fifths built, which has led to the remark that 'nothing is complete but everything is fractionally done'. Let us now consider the point of view of economy. The present net expenditure on establishments, which includes travelling allowances, supplies, services and contingencies is given at page 361 of the Compilation of 'Demands for Grants' as Rs. 11,31,000. This apparently cannot be reduced as long as the work lasts. Well, then, for every year\* the work is completed sooner, probably Rs. 10 lakhs could be saved.

Again, if we turn to details under 'general administration' given at pages 60 to 74 of the volume, there are various items of travelling allowance and house rent under each Department of the Government of India. Each of these items is small by itself, but the total comes to Rs. 2,13,600 for travelling allowances alone, and Rs. 67,440 for house rent and other allowances. Add to that Rs. 80,000 provided in the Budget for motor bus charges for the establishments which go from Raisina every day to the Secretariat, as given at page 202. We have thus a total of Rs. 3,61,000, and it is reasonable to suppose that a good deal of this sum, say Rs. 3 lakhs, if not the whole, may be saved every year when the Secretariat and the Legislative Chambers are built and the necessary residential quarters are completed, particularly for the subordinate establishments. Altogether, therefore, Rs. 13 lakhs may probably be saved every year if the programme is completed sooner. *Per contra* when the residences are built, Government will draw rent from the occupiers, instead of paying house rent to its staff as at present. At the same time, one must bear in mind that the establishments are put to an immense amount of personal inconvenience by having to live in tents for a good part of the year.

It is not for me to suggest how the additional funds necessary are to be provided for. It has been proposed on some hands that a loan of Rs. 7½ crores might be raised which might be liquidated in 40 or 50 years, so that the total expenditure may be spread over a number of years and may not have to be charged every year to revenue. I commend this suggestion to the consideration of the Honourable the Finance Member. In doing so, however, I have no wish to embarrass the Honourable the Finance Member whose honesty and fixity of purpose as regards the public debt and the rehabilitation of the credit of the country, we are bound to admire and to uphold. In paragraphs 37 and 38 of his Budget speech, he has told us how necessary it is in the first instance to restore the credit of the country, and I take the liberty of reading



[Mr. J. K. N. Kabraji.]

a short extract from his speech, as it is most necessary to bear this in mind. The Honourable Mr. Hailey says in paragraph 38 of his speech :

‘ We propose, however, should the rupee loan bring in more than the Rs. 15 crores budgeted for, to devote such excess to the purpose of making a further reduction in our floating debt or of the deflation of the currency. I feel very strongly that these objects have the first call upon any surplus assets that the operations of next year may give rise to. I have already spoken at some length on the urgent necessity for taking early steps to rehabilitate our financial position. I will only add here that in my opinion the interests of the country will be best served by our concentrating our energies upon freeing ourselves as soon as possible from the financial embarrassments which are a legacy of the war. The sooner we do this, the sooner will our hands be free to make additional funds available for purposes of railway expansion ’,

and other important works which are awaiting to be completed, and among these we may include the completion of the Delhi programme. All the same, while not wishing to embarrass the Honourable the Finance Member in the measures which he may wish to take to meet our suggestion, I think we must emphasise the fact that it is necessary to push on with the New Delhi programme in the interests of economy itself, no less than in the interest of the convenience of all concerned. It seems to me that what may be done is that the Secretariat and the Legislative Chambers should be completed, say within the next two years, and the remaining works in another couple of years as far as may be practicable, and I understand, that granted sufficient money every year, it might be done. But the result of last week's debate did not show us any certain conclusion, and how it struck an on-looker—and his feeling is shared by several Honourable Members here also—has been described in a leading paper, thus : ‘ And so the debate ended. Government have given no assurance even that they will do their best to carry out the wishes of the House, let alone that they will certainly find more funds to proceed with the new city in a business-like manner ’. I ask, must the matter rest here ? I think, not. This leaves the whole position in a state of uncertainty. It is not only uncertain, but I venture to say, it is unsatisfactory. I therefore commend my Resolution to the acceptance of this House.

**Babu K. C. Neogy :** Sir, I should very much like to know as to whether we have got a settled and definite policy in regard to the Delhi project. In their despatch of August 1911, the Government of India considered the possibility of a City of Delhi Loan at 3½ per cent. Well, Sir, the maximum estimate was fixed at 4 million sterling or Rs. 6 crores, and the Government of India thought at that time that this would never be exceeded. Then, speaking in March 1912, Lord Hardinge strongly repudiated the suggestion that 6 crores would be exceeded, and he characterised the suggestion as fantastic and exaggerated. As we all know, we have already spent over 6 crores and we have provided for more than a crore in the present Budget. I should like to know what the total cost is now estimated to be.

Then, with regard to the question of the financing of the project. Mr. Kabraji has suggested the issuing of a loan to the extent of Rs. 7½ crores. I should very much like to read to him the words of caution that were uttered by Sir Guy Fleetwood Wilson in March 1912 in regard to this matter. Referring to the flotation of the proposed gold loan, he says :

‘ If we had raised it in gold in London, we could hardly have hoped that there would not be some appreciable reaction on the market for our ordinary railway loans—a market which does not even in normal circumstances yield as much as those interested in the rapid extension of our railway systems would desire. If, on the other hand, we had raised the

loan in rupees in India, the effect upon our limited loan market in this country would unquestionably have been serious. Moreover, we were advised, on authority which I am sure my commercial friends would accept as good authority, that the flotation of a special loan for Delhi in India would not be altogether popular.'

Well, Sir, these words of caution have a much greater import to-day than in 1912. What Sir Guy Fleetwood Wilson proposed to do was to finance the scheme partly from loans and partly from whatever 'spare revenues' remain in each year after meeting our ordinary administrative needs. These are his exact words. But we very well know that we have to charge a part of the Delhi expenditure to revenue even in years of deficit. It will be remembered that Mr. Gokhale was very much opposed to the policy of charging any part of the Delhi expenditure to revenue, his idea being that it should be wholly financed from loans.

I hope, Sir, that our discussion to-day will enable us to formulate a definite policy in regard to this matter.

**Dr. Nand Lal:** Sir, the suggestion, embodied in this motion, seems to be very sound and I believe the Finance Member will have no hesitation in endorsing the same view. I believe the Finance Department of the Government of India will be able to kill two birds with one stone. In the first place, the tax-payers will be relieved of their responsibility, and, in the second place, the object in view will be attained the sooner. The loan may be raised and out of that loan money may be spent in expediting the work which is necessary. There is another phase of it which is more important and it is this, that recurring expenses, as they are appalling in this case, will be put an end to. The money which is to be spent will be spent at once and the buildings will be ready to be used sooner as all of us desire.

With these few remarks I support this motion heartily.

**Colonel Sir Sydney Crookshank:** Sir, I think I made it abundantly clear to this Honourable Assembly, when I spoke on the subject of the New Capital demand a few days ago, that the rate of progress of the construction of New Capital buildings was not on its present lines on a satisfactory economic basis. I hope I also made it clear, that until the Capital had been completed on the present programme, it would not be possible to house all the various Government offices and officials, Members of the Assembly and Council of State, and others in Delhi. I think the House will therefore agree with me that in putting up this Resolution, my learned and far-seeing friend, Mr. Kabraji, has hit the right nail on the head. The position briefly is, that during the last 7 or 8 years the construction of the Capital has been eking out a slow progress against conditions of adversity in the shape of yearly grants varying between 30 and 60 lakhs per annum. Last year or rather I should say this year as we still have a few days to go to see it out, our hopes ran high in that we were able to spend up to about 124 lakhs. However, our expectations have now been damped in that it has only been possible to make a grant for the work of 106 lakhs in the ensuing year's Budget. This is not a sufficient amount, and, as I pointed out when I spoke before what we really want in order to get on with the job is not less than 150 lakhs per annum, but better still 200 lakhs per annum. Unless we can command more than 100 lakhs per annum we shall have to spin out the work over another 8 years, and, for the information of my learned friend, Mr. Neogy, I may mention that the revised estimates of the Capital now amount to 13 crores of rupees, and that this has been brought about because of the war, which has raised prices, wages

[Colonel Sir Sydney Crookshank.]

and rates; also on account of the reforms it being necessary to add on new buildings such as the New Legislative Chambers and the hostels for Members. So that, although there is a very considerable difference between the estimates which Lord Hardinge gave, which Mr. Neogy has referred to, and the present revised figure, it is only in consequence of the ordinary course of events.

The difficulty, of course, in a project of this magnitude is that of financing it and here I may remark, for the information of my Honourable friend, Mr. Neogy, that the funds are not provided from revenue but from loan.

Now, Sir, I do not propose to enter into a long discussion on finance with Mr. Neogy because, as for one thing I don't know anything about it, but this much I understand from the Honourable the Finance Member (and perhaps I may be permitted to give him the designation of Minister which my broad-minded friend, Dr. Gour, has so generously and befittingly conferred on him) that the loan market is now about full up, and that, were it possible to raise any more funds in the market, it would, from his point of view, naturally be more favourable to give them to railways which are productive works whereas Delhi cannot be put into the productive category.

My Honourable friend, Mr. Spence, as I dare say the House will remember, made what appeared to be a very practical proposition in connection with finding funds for this work. His idea was to raise a loan of, say, 750 or 800 lakhs of rupees payable capital and interest year by year over a period of 40 or 50 years. The point of this being that our successors should also pay their share of the total expenses of the capital instead of as at present that we pay for the capital and make a present of it to our successors. I do not know whether this proposition is a feasible one but I am sure it is one which would be considered in connection with this Resolution by the Standing Finance Committee and by the Honourable Mr. Hailey.

So that it amounts to this. Now that this House has already set its seal to the demand on this account for the year 1921-22 and also to the means of raising any more funds from which to obtain money in the ensuing year, and since no more funds are available, what, if the House approves of this Resolution, will happen would be that the matter would be taken into consideration by the Standing Finance Committee and the Honourable Finance Member with the idea of making a supplementary demand of, say, 50 lakhs of rupees when the House meets again for the summer session. I would not ask for more than 50 lakhs this year, because for works purposes the year is already getting on, and by the time we were given this extra amount it would be too late to utilise more than about 50 lakhs. Next year I would ask for the full two crores and so on, year by year, until, at that rate of expenditure, in four, or at the outside five years' time, the buildings would be completed, and the Government of India and the Legislature would be able to go into occupation of them.

I may point out to my learned friend, Mr. Kabraji, that in early completion of the work there is a great deal more than the actual saving of the establishment engaged on the works, that it is really only a fraction of the expenditure which would be saved were it possible if more funds were given to complete the work in a shorter time. The heavy expenses are really the running of the light railways, and of the plant and machinery, the maintenance of workshops and so on, for the actual execution of the work, and that is what we, in the Public Works Department would like to see shut down, because

that is where heavy recurring expenditure actually lies. Admittedly, the establishment is also an expensive one, but it is not possible to reduce it below its present figure, and if the work were to be raised to a total of two crores per annum we should naturally have to raise the establishment proportionately in order to meet the extra demand thrown on them. I would, at the same time, inform my friend, Mr. Kabraji, that it would not be possible to complete a building like the Secretariat in two years' time. I want the House to be quite clear on that point. I think that with a great push it could be finished in three years. That would be about the same time as it will take to finish all residential buildings and the engineering services that are required in connection with the Capital. We would also hope to finish off the Legislative Chamber block in four years, but as we have yet not begun it, it will take a longer time than some of the others which we have in hand.

Sir, I may point out, perhaps, that in the matter of irrigation, India leads the whole world, and I think, considering the natural resources of the country in stone and marble, timber, lime and cement and in the excellence of the artisans and craftsmen and promising rising generation of engineers and architects we have in India, there is no reason at all why India should not equally well lead the world in its buildings. In the maritime cities, we already have magnificent buildings which we are proud of. Here at Delhi we have our old cities, and we have archaeological remains which we set great store by. It is now time, I think, and I gather it is also the sense of the House, that we should make a great effort and get on with the completion of this Capital, which, as I said before, will take about four or five years' time to do if full provision of funds is made, and will, when completed, be one of the finest cities in the whole world.

**Mr. R. A. Spence:** Mr. President, might I say with reference to what has fallen from Sir Sydney Crookshank, while I think we all recognise in this Assembly that the present year is not a year in which more money could be raised by loan for the purpose of pushing on with Delhi, there are very strong points in favour of raising the money for the completion of this work by means of a loan. Sir Sydney Crookshank said, that the Finance Member would prefer to raise his money for productive works. But I think the sense of this House, from what we have just been told to-day is that a loan raised for the purpose of completing the New Delhi quicker would be productive because it would be productive of a great saving in expense. Another point in favour of a loan is this. If you want to push on with Delhi quickly you may have to spend 2 crores or 1½ crores a year. That means that certain other works of utility will have to suffer. Whereas if you raised a loan, and as Sir Sydney Crookshank said only paid 40 lakhs a year, you would have a large sum of money available for other purposes which you would not have if you were spending two crores out of revenue. And the third point which Sir Sydney Crookshank mentioned is this: why should we, the present generation, spend all this money out of our own pockets, why not the future generation pay a part of it?

**The Honourable Mr. B. N. Sarma:** The Honourable the Finance Member has had to be unavoidably absent from here, and so I shall explain the position of the Government of India in regard to this Resolution. Speaking for the Department over which I have the honour to preside, I cannot but be too grateful to the Honourable Members for the cordial support they have given to the Department in trying to help it to complete the New Capital

[Mr. B. N. Sarma.]

works as soon as possible. That has been our desire, and that shall be our endeavour, and we shall not allow the Finance Member a minute's rest if we feel convinced that we can get any money out of him.

I am glad Sir Sydney Crookshank has corrected one misapprehension with regard to the method of financing this Capital work. The whole of the money that we are going to spend during the next year would be met out of loan and not of revenue at all. There seems to be a good deal of misconception on the point, and I have seen various newspapers remark 'Look at the expenditure during the year and previous years. It was 16, or 20 or 30 lakhs. So it is going to be 106 lakhs at a time when we are taxing to the extent of 19 crores'. The policy of Government has been to construct the New Capital out of loan funds. The difficulty which the Government felt, and particularly the Finance Member, was as to whether we could, as a Government, borrow money in the limited Indian market for all the purposes we had in view, namely, railways, telegraphs, and other works including the Capital of Delhi. The whole of the loan had to be apportioned amongst these various objects, and much to our regret we have been compelled to allot only a crore of rupees for this purpose although the Department of Public Works pressed very hard for at least 150 lakhs of rupees.

Well, we are glad that the House is again with us to complete the building of this Capital as early as may be practicable and the Government, relying upon that assurance, would endeavour their level best to find as much additional money as may be possible during this year. No definite promise can be held out because we are not sanguine as to whether we can borrow even to the extent that we budgeted for. If, fortunately, we are able to raise larger funds, it may be possible to allot a portion thereof to the Capital works in Delhi. Whether a new loan, a special loan for the purpose of Delhi works is a suitable method of raising a loan is a point which requires careful examination, and I feel sure the matter would be examined and some conclusion arrived at before we next meet in Simla. All that I can say at present is that the Government are grateful to you for this assurance of your support in this undertaking, that they would leave no stone unturned in building this Capital as expeditiously as may be practicable, that if they can find more money to be allotted to this work they would gladly do so, and if they have any additional proposals which they can lay before you with confidence, they would not hesitate to come forward, explain the position and ask for further provision for this work.

**Sir Logie Watson:** Sir, it is quite evident from what has been said that the building of New Delhi will be delayed for want of funds. I am of the opinion that no very big loan could be floated at the present time under what Government would regard as a prohibitive rate of interest,—possibly not under 7 per cent. But there are other ways of getting money than by resorting to an ordinary loan. I brought this matter up before and I received a considerable amount of sympathy from a good many Members of Government. We all know that on the Continent, in France, Italy and so on, there are such things as premium bonds. These bonds give a small return of interest, say 3 per cent. and 1 per cent. is set aside to pay off capital and to give prizes. Personally, I do not know why the Honourable Member, Sir Thomas Holland smiles, but he is not perhaps the only one who has, although I am very serious in bringing this matter forward. I have heard it described as a

gamble. Well, Sir, I deny that it is a gamble. You are giving 3 per cent. return on money which you could only borrow at 7 per cent. and you are giving 1 per cent. away in prizes and in part redemption of the loan. It means that Government are saving 3 per cent. on a loan of say 250 millions or any other sum you care to mention. Now, by taking the saving of interest into account, say 3 per cent.,—Government could have New Delhi built without delay and you would have rents coming in, and I believe, that within a period of 20 or 30 years, New Delhi would stand Government practically free of charge and be a large source of revenue and possibly the means of reducing millions from the Budget at the end of every year.

I put this scheme forward for what it is worth. Personally, I am a strong believer in it and I see nothing immoral in it.

**Babu K. C. Neogy :** May I ask a question, Sir? I find that under Civil Works, page 199 of the Demands for Grants, we have voted Rs. 16,99,000 for Delhi. Will this amount or any part of it be devoted to the New Delhi? This certainly is charged against revenue.

**Colonel Sir Sydney Crookshank :** The item to which the Honourable Member refers, namely, one of Rs. 16,99,000 for Delhi is under Civil Works, that is to say, works in connection with the Delhi Province as a province quite apart from the New Capital which is a capital fund work.

**Mr. Wali Mohamed Hussanally :** Sir, while I am in sympathy with the Honourable Mover of this proposition so far as expediting the work of building New Delhi is concerned, I do not understand how and why an Official Member of the Assembly has brought forward this proposition. It amounts, in other words, to the Government asking for more money at this stage for the works at New Delhi and that at a time when we are hard pressed for money and the money market is tight and there is absolutely no chance of raising a loan unless we pay an exceptionally high rate of interest, as has just been explained to the House. I think a proposition of this kind, Sir, would be out of place at this moment and the Honourable Mover would be better advised to withdraw the proposition and bring it at the next session at Simla. By then, it would be possible to know whether the money market is easier and whether we can raise a loan at a reasonable rate of interest. At the present moment I believe, that it would be almost impossible to raise a loan unless we probably pay a very exceptionally high rate of interest, and that, in the present circumstances of our finance, is not very wise.

**Mr. J. Chaudhuri :** The Honourable Mr. Sarma made a statement here that the New Delhi was being built out of loans. He is not here, but I expect Mr. Aiyar will be able to tell me whether I am right or wrong, because what I shall say will be from memory. My recollection of the last Budget—not this year's Budget but the previous year's Budget—which I read as an amateur, is that a sum of 9 crores was allotted for the New Capital project and that was earmarked out of the profit that was made out of the Home charges due to a rise in exchange. In other words, the Government of India had a windfall owing to the rise in exchange and, with the sanction of the Secretary of State, they voted 9 crores of rupees for New Delhi, and out of that I think 5 crores and a half have already been spent. I am, of course, speaking from memory. In previous years, various sums were voted and, if I recollect aright, the Secretary of State gave directions to the Government of

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India, that with regard to the Delhi project, they should spend money on roads.

Before the buildings were actually taken up in hand in previous years a large sum was spent in constructing roads in Delhi. So, whether that comes within the estimated expenditure for the New Capital that is what is not quite clear to me. With regard to the profits made out of exchange last year, I should have thought that the wiser course for the Government of India would have been to invest that in gold in our currency reserve. It is not every year that we make profit out of exchange, and all our miseries in the present year are due to the fall in exchange. So whenever we get any wind-fall out of currency or exchange, I think it has been the accepted policy of the Government of India not to spend it for any other purpose, but for strengthening our gold currency reserve. So I think it has been very unwise of the Government of India if they spent the profits that they made last year out of the exchange, for the Delhi project.

Of course I find it very awkward to say anything against Delhi, because any remarks may be misinterpreted; but we are quite happy in Calcutta, and when Government for no fault of ours has forsaken us we do not want to go down on our knees and beg them to come back to Calcutta. All the same, they have made a very unwise decision and they are now themselves paying the penalty for it. I am not going to say anything unkind to them over and above that. But having regard to the fact that this Delhi project is more or less a speculative project, I do not see anything immoral or improper to adopt the course that my friend, Sir Logie Watson, recommended. When we have a bad job before us we do not know how to finance it, let us issue premium bonds, so that people who are speculatively inclined or are enthusiastic about the New Capital may subscribe for it, and in that way let us finish with this Capital building business for good.

**Chaudhuri Wajid Hussain:** Sir, I am afraid I cannot allow Sir Logie Watson's suggestion to remain unchallenged. He has made a suggestion which may not be immoral from the western point of view, but is certainly immoral from the Indian point of view. Sir, . . . .

**Sir Logie Watson:** May I rise to point out to the Honourable Member that this very subject was discussed in the House of Commons in London without its being objected to as immoral?

**Chaudhuri Wajid Hussain:** There is no reason why what is justified in Europe should be justified in India. Then, I object to his proposal on another ground. When this proposal happens to be worked out, there is every danger of petty officials abusing the duty and business of selling those bonds, and it is difficult to avoid the impression that Government is levying some subscription in the name of New Delhi. When I say this, I hope I shall not be misunderstood. While, like Mr. Chaudhuri, I am very jealous of the social capital of my own province—I mean Lucknow—and feel that that place could have been more suitably chosen for the Capital of India, I am equally anxious that we should have more comfortable houses in Raisina to live in, that we should have better buildings for transacting our business in. I am also anxious that visitors to Delhi should have something more pleasant to look at, than tumbling towers, crumbling walls, barren lands and several other eye-sores. It is very important that the Capital of an Empire which embraces

one-fifth of the human race should not be in the shape of unfinished buildings. But I cannot possibly agree to the suggestion made by Sir Logie Watson; and I think the Resolution proposed by Mr. Kabraji is also open to the objection that it gives undue preponderance to the completing of the Capital of Delhi. We should spend as much money as we can on the building of the New Capital; but we ought not to lose sight of the fact that there is such a thing as a sense of proportion, and I do not think we ought to incur heavy debts for bringing the capital into being at an early date.

**Mr. Pyari Lal:** Sir, after the speech of Sir Sydney Crookshank I feel that the Resolution moved by Mr. Kabraji loses much of its value, because according to the Honourable Member who spoke on behalf of Government, the Delhi works cannot possibly be finished within five years. According to the present estimates he puts it at seven years and according to enhanced grants it is five years; there will thus only be a difference of one or two years. That hardly makes any difference; it does not really matter much, especially when we are going to have such a magnificent place as it is proposed we should have.

**Colonel Sir Sydney Crookshank:** Sir, I rise to explain that the Honourable Member is not quite aware of the facts. What I said was that at the rate of one crore per annum it would take eight years to finish the work, whereas if we were given two crores a year we could finish the work in four years, but that as we have already entered on this year and I could not spend fully two crores, it would take between four and five years. I hope my explanation is satisfactory.

The Resolution\* was adopted.

#### RESOLUTION *RE* REPRESSIVE MEASURES.

**Mr. B. H. Jatkari:** Sir, I beg to withdraw the Resolution that stands in my name.

**The Honourable Sir William Vincent:** May I be allowed to speak before this Resolution is allowed to be withdrawn?

**The Honourable the President:** Is the Honourable Member willing to move his Resolution in order to hear what the Government have to say?

**Mr. B. H. Jatkari:** I have already intimated, Sir, that I do not wish to move it.

**Dr. Nand Lal:** On a point of order, Sir, if I am permitted, I wish to move it.

**The Honourable Sir William Vincent:** Sir, when the Government received notice from the Honourable Member, Mr. Jatkari, that he wished to move his Resolution, the notice was not within time, and the Honourable Member explained that he could not hope to secure a non-official day; and therefore pressed me to give an opportunity on the next official day, without requiring the prescribed period of notice. I had received information from other Members also—one of them is here now and he can bear me out that they wanted the subject to be discussed. We, therefore, gave him an official day, and I hoped to have an opportunity of stating what the policy of the Government was and to elicit the views of this Assembly on a very important subject.

\* *Vide* page 1504 of these Debates.



[Sir William Vincent.]

The Honourable Member, by taking the course that he has, has treated the Government and I think some Members at least of this Assembly with unfairness and with great want of consideration. If he had not asked me to allow him to move his Resolution, I know of one gentleman at least who told me he wanted to move a Resolution on the subject. The Government have also been put to considerable inconvenience in preparing a statement of the case which might have been of some interest to Members of this Council.

**Mr. Eardley Norton:** On a point of order, Sir, is it not open to one Member to god-father a Resolution which the real father has abandoned?

**Mr. Jamnadas Dwarkadas:** On a point of order, I want your ruling, Sir, as to whether a Member can be allowed to withdraw his Resolution after he has given notice of it and after it has been tabled on the agenda. I want to make clear to the Honourable House the situation in which we stand. There were many Members who were anxious to get the Government to declare their policy on this important question of non-co-operation and the measures . . .

(A voice—Only one.)

There were many Members to my knowledge who were desirous to know the policy of Government on this important question, and I was one of them. As soon as we see that a Resolution is to be moved by one Member, although we may not agree with the wording of that Resolution nor the demand it conveys, believing that we shall have an opportunity of eliciting from Government a statement with regard to their policy and that we shall have ample opportunity of expressing our own views on that particular question which is one of vital importance at this moment, we refrain from giving notice of a similar Resolution. What happens now, is this. We have a Resolution which is tabled on the agenda; an official day is given at the request of the Honourable Member himself and the Government prepares a statement, and when they come to the House we are told that the Resolution is going to be withdrawn. I ask whether it is to be allowed in fairness to the other Members of this House that such a practice should be resorted to?

**The Honourable Sir William Vincent:** Sir, I only wish to say that if I can devise any method by which I can meet my friend, Mr. Jamnadas, I shall only be too glad to do so.

**The Honourable the President:** The situation in which the Assembly finds itself is, that an Honourable Member having been permitted by arrangement with the Chair and with the Government to put down a Resolution at a shorter period of notice than that allowed by the rules, does not now wish to move the Resolution. Neither the House nor the Chair possesses any power, except that of persuasion, to induce the Proposer of the Resolution to move his Resolution. He is strictly within his rights in withdrawing it.

What I am about to say must not be regarded as a ruling, but as a declaration of what I believe to be the general sense of the House. The Honourable Member will be guilty of grave discourtesy, first of all to the Assembly, secondly to the Chair, and thirdly to the Government if he does not give the Assembly an opportunity of discussing the Resolution. If the Honourable Member does not desire to make a speech, he may simply move *pro for* the Resolution standing in his name. He need not commit himself to anything else.

**Chaudhuri Shahab-ud-Din:** May I just draw the attention of the Members of the Assembly to Standing Orders Nos. 61-A. to 68?

**The Honourable the President:** I have just told the Assembly what the substance of that standing order is. They can read it themselves.

**Mr. B. H. Jatkar:** Sir, I am within my rights in withdrawing my Resolution and I will do so.

**The Honourable the President:** The Chair must use its discretion to give leave to another Member to move the Resolution.

**Dr. Nand Lal:** Am I permitted to move the Resolution, Sir?

**The Honourable the President:** Yes.

**Dr. Nand Lal:** With the permission of the Chair, I move the Resolution which runs as follows:

‘That this Assembly recommends to the Governor General in Council that the Government should adhere to the declaration of its policy made in October and November last and ask the Local Governments to stop all repressive measures now being used all over India’.

Sir, I think there is a great truth in the contents of this Resolution. I believe all Members of this Assembly can recall to their minds the contents of the most brilliant and hopeful declaration made by the Government. I think I need not reiterate the contents, because that will mean a waste of time. All of us have got very faithful memories, and we can take assistance from that divine gift. Now, the whole country was greatly delighted at hearing the most sincere and genuine declarations, and the whole country anticipated that all repressive measures would be a matter of history now and that we should never see them in future. But the unfortunate thing is, that it is not a matter of history, and that we are compelled to see repressive measures put into execution somewhere, or other. Therefore the strong element of discontent, which unfortunately happened to exist some time back, revives to our disappointment. We the representatives of this country do feel it and we therefore urge upon the Government that they should kindly adhere to those declarations. I am sorry to say, that on some occasions, Government have failed, for reasons best known to themselves, to adhere to that policy. Government might have got very plausible and perhaps convincing reasons according to their own lights. The view of the country is this, that the Government had no justification for embarking upon a policy of repressive measures; instead of putting an end to them, Government is, in some cases, seriously adopting repressive measures. Therefore the country has deeply felt the position, and we here are placing the message of the country before this House.

The repressive measures, which have been adopted, as I have submitted already, sometimes here or there, had no justification. Can we ask the Government what was the reason for the introduction of repressive measures? No doubt, in the Punjab and in some other quarters, undesirable incidents did occur. Taking them into consideration and remembering some other events which took place in other parts of the country, the country taking the view of the majority of the people submits very respectfully that the Government was wrong. If Government had adhered to the policy which was declared, they would have been respected much more. With these few remarks I put forward this submission before the House in the hope that the Honourable Members of this Assembly will heartily support this motion.

**Mr. Amjad Ali:** If there is any duty so pious on the part of this Assembly, it is I think the duty to support this Resolution. This Resolution was withdrawn by the Mover and I offer my thanks to the Chair and to the Honourable the Home Member of the Government that an opportunity has been given to us to let the Government know that the feelings of the country are very much exasperated and the result would be disastrous in the near future unless and until the Government is pleased to consider that it is time these repressive measures should be put an end to. Sir, the result of the drastic repressive measures, I should say in India has been most disastrous. I am told, Sir, that the Bihar and Orissa Government has issued a circular most repressive in its character, so much so that instead of quieting down the people, that measure has exasperated them and they are ready to undergo anything to carry on their object of non-co-operation by holding meetings here and there. I am further told, Sir, that one gentleman of eminence and reputation went to a district in the province of Bengal and the District Magistrate there has most unjustly and illegally issued an order prohibiting that gentleman to enter the city and to perform his mission, for which he was sent there by his fellow-countrymen. Sir, I should, for the sake of the good name of the Government to be achieved by the redemption of the pledges that have been held out to us by that declaration, hope and trust that the Government of India would be pleased to consider and see that the subjects of His Gracious Majesty the King-Emperor are now no longer in such a state and subjected to such hardships and that unless and until the Government of India is pleased enough to go to their rescue, their position will be most disastrous, most unhappy, and it is in the fitness of things, I think, that the Government of India should be very much pleased, graciously pleased, to come to the rescue of the subjects of His Gracious Majesty the King-Emperor by abolishing the repressive and illegal measures which are now in force in the country.

**The Honourable the President:** May I inquire of the Honourable Member what his intention is in rising to his feet? Does he wish to speak to his Resolution?

**Mr. B. H. Jatkar:** Sir, I am very sorry that the whole House is so much put out with my attitude. I admit, that I had given notice of this Resolution with a full knowledge of the consequences and I also wanted the Government to make some declaration of its policy in this connection.

I had written on the first opportunity with a request that the required notice may be dispensed with and the Honourable the Home Member, the Honourable Sir William Vincent, very kindly allowed me that privilege. But unfortunately the placing of the Resolution on the Agenda to-day has taken me by surprise. I thought I would have got a chance of a non-official day, that is on the 26th, and I had also ballotted for that date.

**The Honourable Sir William Vincent:** Sir, may I rise to a point of order? I would like to read the Honourable Member's letter in which he says distinctly that he did not expect to get in on a non-official day.

**Mr. B. H. Jatkar:** If I have offended the Honourable the Home Member and the whole House, I must beg pardon of the whole Assembly. I only wanted that the Resolution should not be moved by me although I am in entire sympathy with the principle of the Resolution. Now I would like to say a few words on the Resolution that has been moved by Dr. Nand Lal.

The Honourable Members of this House must have read the Resolution of the Government of India, Home Department, dated Simla, the 6th November 1920, which contains the declaration of policy referred to in the Resolution. I shall only give the substance of this policy. It is a policy of non-interference, which the Government of India has declared to have adopted towards the non-co-operation movement and this is based on three considerations, *viz* :

*First*—The reluctance of the Government to interfere with liberty of speech and the freedom of the press at a time when India was on the threshold of a great advance, towards realisation of Self-Government within the Empire, when the first elections were in sight.

*Secondly*—The Government was always reluctant to take action against individuals, which would give them unnecessary importance and an opportunity of evoking false sympathy in their adherents and thus swell their number.

*Thirdly*—That the Government relied on the commonsense of India and believed in the sanity of the classes and masses.

This policy of non-interference was, however, subject to the limitation that the movement would be non-violent and will not endanger public peace. So far it is alright, but I don't associate myself with the view mentioned in the Government Resolution that the movement was unconstitutional. In the remaining part of it, the Government of India depicts the perils it may lead to, if the movement spreads to the students and the masses.

This, then, was the policy of Government declared in November, but what do we find in February and March, within a period of not more than 4 months? The Provincial Governments have taken up this weapon of repression in their hands all at once. Seditious Meetings Act is being freely applied to district after district. We hear prosecutions undertaken under Sedition and under the Security sections. Persons are served with notices under section 144, Criminal Procedure Code, restraining them from speaking and if I remember aright their number has already exceeded 125. The same section has been freely used to stop all agitation by extending its application to towns and even to wholesale districts. It is really a novel use of the section which, though mild in form, is nothing but repression. In my unfortunate province, prosecutions under 124-A and 153-A have been launched against two prominent men—one of them being a Vice-Chairman of the Nagpur Municipality. Even in a small district place like Yeotmal from where I come, security cases are going on against volunteers who were found preaching temperance. The reasons assigned for taking such repressive actions are strange and appear to have nothing to do with non-co-operation. In our province, the action appears to have been directed against the temperance movement. In some cases, the agitation against *begar* (forced labour) is said to be the reason for this action.

What does this all indicate? Have the Provincial Governments adopted this policy of repression on their own responsibility or on the initiative of the Central Government?

I don't think the Government of India, after the declaration of policy of non-interference, would issue such instructions to the Provincial Governments. I know that in the provinces law and justice are reserved subjects, but would it not have been a wiser course for the Central or the Provincial Governments to take the popular assemblies in their confidence before undertaking this repressive policy? I have not heard in any province that such course was

[ Mr. B. H. Jatkar ]

adopted. After the formation of the new Councils the representatives of the people should have been allowed an opportunity to discuss the changed situation if any, and to suggest the means. His Excellency the Viceroy has stated about these reforms in his opening speech of the 9th February :

' For the first time the principle of autocracy which had not been wholly discarded in all earlier reforms was definitely abandoned. The conception of the British Government as a benevolent despotism was finally renounced.'

While speaking of the powers of the Indian Legislature, His Royal Highness the Duke of Connaught says :

\* ' You may feel that the Ministers in the provinces will be in closer touch with popular causes and have larger opportunities of public service. But this is true only in a very limited sense. It is the clear intention of the Act of 1919 that the policy and decisions of the Government of India should be influenced, to an extent incomparably greater than they have been in the past, by the views of the Indian Legislature ; and the Government will give the fullest possible effect, consistent with their own responsibilities to Parliament, to this principle of the new constitution. From now onwards your influence will extend to every sphere of the Central Government ; it will be felt in every part of its administration. You are concerned not with the province, but with all British India, and statesmanship could not ask for a nobler field of exercise.'

If such are the powers of the Legislative Councils in the New Era, would it be too much to expect that the Councils should have been consulted before a general repressive policy was adopted ?

Let us examine the conditions in February and March, and whether they call for such a change in policy. The non-co-operation movement is and has been declared to be non-violent in character in words and deeds not only against Government, but amongst people themselves. It cannot, however, be denied that in some cases the students acted with overenthusiasm, but now the agitation about the withdrawal of students, which once had attained the highest pitch, is now deteriorating. Many students have returned to their schools ; others are availing themselves of the national schools that are being started. The impracticability of some of the other items of the non-co-operation programme are visible and they don't justify any repressive action. It is no doubt true that this non-co-operation has its effects in awakening a spirit of self-consciousness among the people. They are now more capable of understanding the agitation carried on by the educated people, to remedy their grievances.

Can the Government deny that there are many grievances of the people, which are yet to be removed ? The economic condition of the people is miserable. The evils of litigation are so great that they have disturbed the peace of every village. The drink evil and the system of forced labour are growing without check and are demoralizing the masses. The agitation in this connection has nothing to do with non-co-operation.

The new Reformed Councils have not been a panacea to any of these long-standing grievances of the people. They had done nothing to evoke confidence in the people. None of the repressive laws have been repealed ; mere appointment of committees does not appeal to the masses as anything substantial. Their previous experience of such committees is far from being satisfactory. The year is one of economic distress, famine is raging in many

parts of the country, and the prospect of additional taxation is disturbing their minds.

The Government ought therefore to realize the strained feelings of the country and any adoption of repressive policy at this moment would lead to embarrassments worse than before.

The very considerations which led to the declaration of the policy in November ought to be of greater weight now in adhering to the same policy of non-interference.

The Government need not be so anxious of non-co-operation. In the new form of government, it may settle down as a principle of one party in the land. It is true that the non-co-operators should not have boycotted the Councils, but should have sent their own representatives, who would have been able to press their views openly in the Councils. There are such parties in the Western countries which are tolerated and allowed to have free deliberation. There is a party of direct action even in England which is in no way less than a non-co-operation party.

The principle has come to stay in India and the Government, by having recourse to repression, would drive it underground with dangerous results. Let it be met fairly in its face. Government should, by a policy of conciliation, respect the feelings of the people and create confidence in representative institutions by allowing them greater control over the affairs of the country.

His Royal Highness the Duke of Connaught has said :

‘I repudiate, in the most emphatic manner, the idea that the administration of India has been or ever can be based on principles of force or terrorism.’

I request the Government of India to show by action that this is so and to put a stop to the repressive policy which is nothing but a policy of force and terrorism.

I beseech the Government to adhere to its former policy of non-interference and ask all Provincial Governments to adopt the same policy of non-interference.

**The Honourable Sir William Vincent :** The Honourable Member who has just spoken has said that he was surprised by the Resolution being placed on the agenda for to-day. I think the Assembly will have noticed, however, that this did not prevent him from reading out a long written speech from which I conclude that he must have, at least, made some preparation for the debate, and I must also repudiate the suggestion that he expected this debate to come on on a non-official day. I will read to this Assembly this letter which I received from the Honourable Member because I am anxious that the facts should be placed before the Members so that they may judge between me and Mr. Jatkar. The letter begins :

‘Sir, I have given notice of a Resolution on the 16th March (this letter is dated the 20th March) to be moved in the Legislative Assembly to the following effect: (Here follow the words of the Resolution.) As previously announced, there was no day available for non-official business after the 5th March, but recently 26th March has been allotted for that purpose. I am sorry, I could not give notice before the requisite time.’

Now, will the Honourable Member explain how it was that he expected—as he has just told this Assembly—that the Resolution was going to be on a

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non-official day? Have I not some ground for complaint in this matter? The letter goes on:

‘The subject matter of the Resolution is one of urgent public importance, and I would request you to give your consent in order to allow it to be entered in the List of Business.’

I hope I have been able now to satisfy this Assembly that the Honourable Member at that time did not expect this Resolution to come up on a non-official day and asked me, pressed me, to give him a day. That is the interpretation which I put on the letter.

At the same time, I welcome the debate to-day because it will enable me not only to place before this Assembly an appreciation of the political situation at the moment, and to explain what our policy has been, together with the motives which underlie it, but also to secure, I hope, the views of this Assembly and suggestions of the Honourable Members as to this policy and the changes, if any, which we ought to make in it. The moment is particularly opportune for such a debate because the question will come up for discussion before the Executive Council in a few days. I may say that we periodically re-examine the situation and review our policy in the Executive Council, and what is said in this Assembly to-day will be placed before the Council for their consideration at an early date, and while I am speaking on the question of policy, may I say, it is based on one great underlying principle, and that our one object is to promote the progress of this country towards responsible government and at the same time to preserve public tranquillity? Those are the two objects which we have in view. The situation is one full of complexity as anyone who considers the facts even for a short time will realize. I know of no historical instance of such a great change in the government as we now have inaugurated in this country being effected peaceably even, in a homogeneous country; and in this country there are great additional difficulties, some permanent and some of a temporary character. There are, for instance, complexities caused by differences of race, religion, by the very character of the government, and by the vast distances by which different parts of India are divided. To these, at this moment, must be added temporary difficulties of a very serious kind, economic, religious, and financial and I may say quite frankly, political difficulties also. Now, all these difficulties have been exploited by the non-co-operation party to the utmost limit. There is no doubt of this. In their efforts to paralyse Government—that is the declared object which they have in view—and in their efforts to achieve that object, there is no source of discontent which they have not used. Wherever they find discord between employer and employé, there some agent, some emissary, of the non-co-operation party proceeds at once fostering discontent—promoting ill-feeling. Where there is racial ill-feeling, as at times there has been in my own province and other provinces, there again these missionaries hurry on their evil errand further to stimulate ill-feeling and disorder. Where there are quarrels between landlord and tenant—have we not seen this in the United Provinces—there again proceed these emissaries of evil to propagate unrest and stir up disorder; the ultimate object being, we are told, to paralyze the Government and to secure immediate self-government of this country. Many of these adherents of the party do not hesitate even to say, that they seek a severance of India from the British Empire. Now a movement of his kind cannot but be extremely dangerous and full of evil potentialities. It is purely destructive and, so far as I have been able to

ascertain, contains no element of constructive ability. Self-government, as I have often said before, connotes the power of self-protection, and a country which cannot protect itself is not prepared for immediate and complete Self-government. Even if you were to have that most impossible of all things, a peaceful revolution and in the twinkling of an eye the whole character of the government was changed and this present administration was paralyzed in the manner which Mr. Gandhi boasted he will achieve in a few months, what does this Assembly think would be the result? Would it not be ruin and anarchy, chaos and disorder, the destruction of every vested interest and everything else that is valuable in the land?

Nevertheless, while we are fully aware of the evil potentialities of this movement, the Government has hitherto restricted the measures against it to the narrowest limits compatible with the maintenance of the public peace. They have always hoped, and they still hope, that the sanity of the people of this country will turn them away from a scheme that can but result in disaster. They have had every confidence that the efforts of sane and moderate politicians would have a great influence on public opinion. This is the view put forward in the Resolution of the 6th of November last to which one of the speakers referred, and I desire to take this opportunity of acknowledging gratefully the many efforts that have been made by sound and loyal citizens of this country to combat and counteract the mischievous propaganda of the non-co-operation party. I do not know if I shall be doing wrong in naming two persons who have been particularly active in this direction, but I may be excused for saying that I believe that Mrs. Besant and Mr. Sastri have earned the thanks of all good citizens in this country by their courage and patriotism, and when this Assembly finds the Government benches complimenting Mrs. Besant it may take it that the compliment is really well deserved.

Well, Mr. Gandhi's present position really is this: He has failed to a great extent with the educated classes; his efforts, in so far as the boycott of these Councils is concerned, have, as the presence of Honourable Members here shows, been a failure; the number of titles surrendered has been very small, and, so far as I have heard, very few lawyers have given up the fees which they earn by their practice in the courts. It is true that the movement was a temporary success among immature students, but even that success was effervescent and is, I think, now passing away for most of the young men are, under better influences, returning to their schools and colleges. Well, seeing that he was unsuccessful in these directions, Mr. Gandhi—or his lieutenants I am bound to say more than he—have turned from the educated classes and tried to secure success for their movement by creating unrest among the masses; and therein lie great potentialities of danger and mischief. We have at present much economic unrest prevalent, much political unrest, partly local, partly caused by world-wide causes, and these it is possible for any evil-minded man now to use for evil purposes. It is easy to arouse ill-feeling and passions at a juncture like the present and that, I fear, is the course which many of these non-co-operators are pursuing.

Now, in such a situation, there were three policies open to Government. We could have gone in for a general policy of repression, but we were very unwilling to adopt this course, though we have been pressed to undertake it by a certain section of opinion. Such a policy leads nowhere: it is not consistent with the spirit of the Reforms; it would have served merely to increase bitterness and racial feeling; it would have impeded the social and political



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progress of this country ; it is inconsistent with the greater liberty of speech and action which these Reformed Councils would demand from the Government ; it would have necessarily involved an invasion of private rights which are highly cherished by all the people ; it would have alienated support from Government, would have strengthened the very people we wanted to weaken and would, I believe, materially have weakened the moderate party and precipitated disorder. Those are the reasons why we did not take that line. It might have been possible to suppress this thing at an early stage with comparatively little bloodshed but, even if it had been done, I maintain that the effect would not have been lasting, and I do not believe any Government relying on repression alone could have lasted for more than say, three or five years.

Now, I say this in answer to the charges that have been brought against Government outside this Chamber, and I am afraid outside this country, that we have acted unwisely in not using every weapon in our armoury, including such emergency measures as the Defence of India Act and Regulation III of 1918 to intern anybody who said or did anything to support this movement, and I have tried to explain to this Assembly—and I hope I shall have the support of Honourable Members in this matter—the reasons why the Government did not adopt that policy—a policy which is also not consistent with the trend of modern European opinion. There is another reason why we were averse to a campaign of general repression. We know that men's minds are profoundly disturbed, partly by religious and partly by political causes ; and in such circumstances, it is better for Government to bear with discontents, to do what they can to remove them and exercise the greatest patience and tolerance in dealing with men whose minds have been tried very sorely in various ways.

The second course would have been to come forward and concede in full the extremists' demands. Well, I pointed out recently that I believe that such a course is not consistent with our duty towards His Majesty's Government. It would, I believe, and I have always said so, connote the withdrawal of the protection which is afforded to this country by its inclusion in the British Empire. That is a position that is in my opinion unassailable. Further, I believe, that any abandonment of our responsibilities in this country at this juncture would immediately lead to anarchy and chaos ; indeed, there are so many moral and material objections to such a course that it would be impossible to particularise them in the time available. No one, I think, 'can visualise the destruction of sixty years' work since this country came under the direct control of the Crown without a pang of sorrow. Great Britain has undertaken a great trust in this country and, relying on that, capital has been invested ; Indians and Europeans alike have dwelt in security ; are all vested interests, all law and order, and all prosperity to be sacrificed to the demands of a party which, so far as I am aware, is destitute of all constructive policy ? That is a policy which it would be impossible to defend, and it would be a breach of trust of the grossest kind incompatible with our duty to His Majesty's Government, incompatible with the statute by virtue of which we administer this country, and incompatible with our duty to India itself. Further, I do not think it is what the best elements of the people of this country for a moment desire. Sir, the third possible course was to take up the line that we have taken ; that is, to prosecute those guilty of disorder or incitements likely to lead to disorder, and at the same time where there

are grievances among the people, agrarian grievances, labour grievances, or anything else, to do our best to see that they are remedied; where legitimate demands are made upon us by this Assembly to remove political grievances we are also doing our best to meet them; and it was in response to a demand of this kind that we appointed a committee recently on repressive legislation; and the same motive of course prompted me in the action I took regarding the Press Act. Indeed, throughout this session the Government of India has always been guided by a desire to meet this Assembly as far as possible, to do what they can to accede to its wishes, and to invite its support when they thought they were entitled to do so. That is the spirit in which I have attempted speaking on behalf of Government, to approach this subject; and I am glad to take this opportunity of saying that I have received the greatest consideration from this Assembly throughout this session, consideration for which I cannot express myself too gratefully to Members of this Assembly now and here.

I do not deny that the position before Government is one that causes very grave anxiety. I do not want to exaggerate the dangers, but it would be equally unwise to minimise them. We have these powerful forces working on masses of uneducated people, exercising in the case of Mr. Gandhi an influence which is of an extraordinary character. We have this inflammable material and unrest already caused by these economic causes. In such conditions I cannot say, and no man could say, when or where it will result in disorder or to what extent. But on this I am clear, there is one thing we must do, that is, to suppress disorder where it does occur and to prevent it when possible by punishing those who incite others to violence; and it is on this point that I seek the support of this Assembly. There is a dangerous spirit of lawlessness abroad; you have only to read what happens in various parts of the country to see this for yourselves. Honourable Members must have read for instance of the account of what happened in Rai Bareilly the other day. Here is the official account.

‘Political agitators exploiting the legitimate grievances of the tenantry have worked them up to attempts to take the law into their own hands. The criminal classes have seized the opportunity and commenced looting; it has been necessary to fire, and there has been regrettable loss of life. Of the extent of the lawlessness there can be no question whatever; nor can there be any question that the agitators attempted to give a political objective to the disorder. It was preached that the British raj was coming to an end. Mr. Gandhi’s name was brought in on every occasion; and one Maulvi was induced to declare that he would be King of Salang on the advent of the Gandhi raj.’

That, Sir, is the spirit in which these people work. The mobs are of course incited to these forms of disorder largely by professional agitators. If we are to prevent serious outbreaks of violence in various parts of the country, it is essential that we should be allowed to proceed at least under the ordinary law of the land against those who are guilty of misconduct in promoting such acts of lawlessness.

I heard a great deal of talk about repressive measures from some Honourable Members, but I heard very few instances cited of the use of any measures other than those which we are entitled to use under the ordinary law of the land. The Government prosecuted evil-doers wherever it could, although it is very difficult to prosecute in many cases owing to the unwillingness of witnesses to give evidence and to intimidation. Further lengthy prosecutions must involve delay and in themselves are an advertisement and cause unrest and excitement. The Government of India have always advocated prosecutions under the

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ordinary law of the land rather than any executive action in the form of internments and the like. Our policy is now challenged by the Honourable Member on the ground that it is unduly harsh and oppressive. May I read to the Assembly the last instructions that we have given to Local Governments? I cannot read the whole letter because there is necessarily confidential information in it. I will read a portion :

‘ For the present therefore the Government of India would prefer to rely on measures such as :

(1) keeping the closest possible watch on attempts by the non-co-operators to spread disaffection among the rural masses and the labouring classes in the big towns or industrial centres ;

(2) the initiation and early enactment of remedial legislation wherever, as in the matter of Tenancy Law in some provinces, such legislation is required ;

(3) counter-propaganda, as for example, by giving the widest possible publicity to the intention of the Government to introduce remedial measures ;

(4) the vigorous prosecution under the ordinary law of all persons who are guilty of making seditious speeches and of inciting to violence and against whom evidence is available.

The Government of India have already urged this measure to which they attach the utmost importance on Local Governments, and they must again express their regret that so far such prosecutions have been instituted only in a small number of cases. The Government of India have refrained, for reasons that have been fully explained to Local Governments, from prosecuting the leaders on the general charge of advocating non-co-operation.’

If I may pause here for a minute I may say there has been, so far as I am aware, no prosecution at all of any man merely for advocating or joining in this principle of non-violent non-co-operation. We have left such men alone, rightly or wrongly.

**Mr. K. C. Neogy :** May I know the date of that letter ?

**The Honourable Sir William Vincent :**

‘ But they must again impress on Local Governments that this fact constitutes no reason for refraining from prosecuting the others.

(4) the enforcement in general of respect for the law. Cases have come to the notice of the Government of India in which large crowds have been allowed to indulge with impunity in demonstrations of an obviously unlawful character. Incidents of this kind cannot but tend to weaken the respect for law and order amongst the masses of the people.’

We then go on to recommend prosecutions in such cases under section 143 of the Indian Penal Code. The date of the letter is the 28th of January 1921.

Now, I appeal to Members of this Assembly to say whether there is anything in that letter for which Government can be held to blame as adopting repressive measures, and I make this appeal with confidence. It is quite true, that Mr. Gandhi himself is an idealist and a visionary, and he does advocate or professes to advocate—I hope he does so genuinely—abstention from all violence and I repeat here that no man who advocates peaceful non-co-operation, that is to say, who merely abstains from co-operating with Government or who does not use any violent means, has ever yet been prosecuted. Can any Honourable Member say, however, that the co-adjutors and Lieutenants of Mr. Gandhi act on the same peaceful principles whether they are actuated even by the same motives? Has that ever been seriously believed by any non-official who has been in contact with some of Mr. Gandhi’s Lieutenants

recently? Let us take the case of two prominent Muhammadans who identify themselves with the case of Mr. Gandhi. Has it not been freely bruited abroad, rightly or wrongly, that they conceive the idea of a Mussulman empire in this country? Has it not even been said that they intend to effect this with the aid of foreign enemies? Has it not even been said that they contemplate an invasion of this country by a foreign power within a couple of months which invasion Muhammadans inside this country are to aid? If there is nothing in all these rumours why was then this anxiety recently to prevent friendly negotiations being arranged between the Amir of Afghanistan and the British Government? Was it not rather a curious attitude to take up? Are there not again among the non-co-operation party other persons with a distinct tendency to Bolshevism and others who secretly and indeed often overtly encourage and incite the masses to violence and disorder? Are not calumny—extending even to men whose names have long been honoured by Indians in this country—intimidation and social boycott the weapons to which adherents of this movement have not scrupled to resort? Are there not men among them who openly say that they are endeavouring to seduce our soldiers and police from their duty and allegiance? Are there not those who deliberately promote such discord between employer and employé and between landlord and tenant as can only end in serious disorder? And in such circumstances, is it not essential that the Government should be allowed to take such action as is necessary to preserve the public tranquillity? Is disorder to be allowed to spread until it is impossible to check it? Are we to stand aside and allow these incitements to disorder to continue and the disorder itself to go on unchecked merely because we are accused of using repressive measures? These are questions which Members of this Assembly have to answer bearing in mind their responsibilities as representatives of the people of India and I maintain that it is essential that the Government should retain and exercise these powers, that the instructions which I have read out to this Assembly now are perfectly fair, and that there is nothing in them that any loyal or reasonable citizen can quarrel with.

Now let us proceed to consider the manner in which these principles have been applied. It is true that there have been more prosecutions lately than before. What is the reason? The reason has been simply this, that the forces of disorder have gained strength and we have found it necessary to do what we can to counteract them. I read just now to the Assembly what happened in Rai Bareilly. We have had much the same thing in Bihar—hât looting. We have had the same sort of disorder in other provinces—deliberate attempts made by men, often in a religious garb, to promote and incite the masses to disorder, leading unfortunate, ignorant people to commit violent crime. Every one at this moment knows again the dangerous state of affairs in the Punjab. Dr. Nand Lal himself quite frankly admitted it and every one is aware of the critical state of affairs created by Sikh unrest in that province.

Now let us see how far the action of the Local Governments was challenged in the places where we might expect it to be challenged, that is, in the Local Councils. I will take the case of the United Provinces, first of all. There was a debate in the United Provinces Council about the measures taken to suppress disorders at Rai Bareilly and if there had been any unduly drastic action, is it not certain that the local Council would at once have censured the Government for their action? The fact that Members in the United Provinces Council did not regard the action of the Local Government as unfair and

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repressive is conclusively proved by the result of that debate in which the critics of Government were positively flattened out. They could not secure any support from the United Provinces Council and the action of Government was not only defended, but successfully defended and approved by the Council.

Now let me take the case of Madras where action was taken against a gentleman of the name of Yakub Husin. I believe, he has a Turkish wife. He was prosecuted under the ordinary law of the land and the action of the local authorities was discussed in the local Council. There are a number of lawyers in the Madras Council and I believe a fair number of Madrassi Brahmins—and they would never let unduly harsh measures go unchallenged. The debate on the occasion was on a motion for adjournment and so no actual question was put to the House, but I am assured that the whole trend of the debate was on the side of the Government. Further, Honourable Members who know the truth about this gentleman and the danger of allowing excitement in the Mopla country will, I think, bear me out in the view that the Madras Government was entirely justified in its action.

Let us take the case of Bihar. The non-co-operation movement has been actively promoted there recently and some Member of the local Council took exception to the policy of Government in suppressing certain illegal activity and moved a Resolution on the subject in the local Council. This was not pressed to a division but was withdrawn. Now we know perfectly well what that means. It means that the Council was satisfied that there was really no cause for complaint. Of course there are sometimes other reasons for withdrawing a Resolution, but ordinarily when a Resolution is debated and withdrawn, the reasonable inference is that which I have stated. Similarly in the Punjab, I believe, I am right in saying that they had a debate on the question of the application of the Seditious Meetings Act. I think Raja Narendra Nath put up the motion. What happened there? Nothing. I think the Resolution was either withdrawn or rejected. Now what do all these things show? They show that in the opinion of the local Councils the application of the principles which I have advocated has been justified. I have read out the principles to this Assembly and I believe they will accept them too. And may I here refer again to Delhi where action has been taken to suppress certain assemblies and prosecute evil-doers for persistent intimidation and shameful acts of violence; where not only the living but even the dead are not spared from insult and indignities, are we not justified in taking action? The conduct is typical of the terrorism and intimidation that is practised in certain parts of Northern India and I am sure this Assembly will support the action of Government in prosecuting evil-doers in such cases and in taking measures to suppress illegal associations created to intimidate peaceful citizens and promote sedition and disorder.

I have now explained what the position is and what our policy is. We are prepared to go as far as we can to meet legitimate demands, to strengthen moderate opinion in this country, to make the Reforms a reality, to make these legislative bodies great bodies in the reformed Government, to remove genuine grievances wherever they occur, to go out of our way even at a sacrifice of efficiency as far as we can to meet demands of educated opinion; at the same time where we have proof of incitements to disorders either direct or indirect to punish the offenders.

I want to ask if this Assembly which has accepted its share in grave responsibility *vis a vis* the Government, so well throughout this session, will not support us in this policy also.

**Mr. Eardley Norton:** Sir, may I ask the Honourable Member before he sits down, whether there is any truth in the allegation made here to-day that men have been prosecuted for merely preaching temperance?

**The Honourable Sir William Vincent:** Certainly not, and I can at once prove this, if I may read the telegram I have here. There is a prosecution connected with excise sale in the Central Provinces and for that reason I did not like to refer to it. But I can assure the Honourable Member that the Government have never either now or in past years taken any action against anyone who simply advocated the cause of temperance. It was only when there was deliberate intimidation used that persons have been prosecuted. As the matter is *sub judice*, I hope I am not committing contempt of court if I read the telegram.

**The Honourable the President:** If the case is *sub judice*, you had better not read it.

**Khan Bahadur Zahir-ud-Din Ahmed:** Sir, I oppose the Resolution. In my opinion, the Government instead of adopting repressive measures is showing great forbearance which in some quarters is being interpreted as weakness. On the above ground, I am against the Resolution.

Government is bound to uphold the peace and order of the country. If the Government does not do it, it fails in its main duty. If some people are determined to upset the tranquillity of the country, they are not the friends of the peaceful citizens of the Empire but are their enemies and as such they are to be taken in hand by the Government. To countenance them means doing us, the peaceful people, a great wrong.

The Mover said, that non-co-operation is non-violent. I have seen a good deal of non-co-operation, but I must admit they were not at all non-violent. Whatever the non-co-operators may say, I am convinced, they are determined to have a great revolution. They want Swaraj without British connection which means quite a different thing from Home Rule. I may submit here, that Swaraj without British connection cannot be secured without a successful rebellion. The people I represent do not want rebellion. Suppose we rebel, there is very little chance of success. If we succeed, we go back half a century. There will be so much loss of life that even 50 years will not make it up. Suppose we fail, we get a century behind. In both accounts such alternatives are to be avoided. Even if the British leave us of their own accord to-day, we shall have to call them back to-morrow. For without the British there will be chaos and anarchy in the country. Mussalmans will be fighting with Hindus, Sikhs with Pathans—Afghans, Nepalese and Japanese will all be on us, and our position will be the worst on the face of the earth.

Mr. Gandhi was in Dacca recently. He was talking to a Mussalman, a friend of mine there, that Swaraj is life and death to us. My Mussalman friend replied, 'Yes, life for you and death for us'. I am for peace and order, hence I am against non-co-operation as by non-co-operation the peace and order of the country will be upset.

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We are going to get Home Rule sooner or later if we know how to behave well. I cannot understand why we should court trouble for a thing which we can get in the usual way when the time must come, just as a ripe fruit falls to the ground. Let us have common sense and separate ourselves from the non-co-operators and let us say good-bye to them for all time.

Personally, I love my religion greatly, but I love peace and order in the country still more.

One word more, Sir. One of these non-co-operators said, that he would give us Swaraj within one year. Now the man does not believe it himself, for he is a cute man. He knows that it cannot be given, he is simply saying it with some ulterior object. He may say, that you will be the President of the Republic of United India.

Now, take the case of a girl who is married to-night. If she expects she will be a mother to-morrow morning, you would say, 'Well, her expectation is wrong.' Similarly, if we expect to get Swaraj in one year, our expectation is wrong. The girl has to wait ten months before the child is born. We cannot get Swaraj. We do not want it. I am a Muhammadan. Swaraj will mean Hindu raj. We have not yet been able to make up our differences. We are making them up gradually. We are not yet fully united. Before that comes about, we must act very very cautiously. We blame Government and say 'The Government is not doing this, is not doing that'. Government is not doing enough for our protection. I have seen so much trouble created by these non-co-operators in my own country that I am sick of them and more sick of Government for giving them a free hand.

**Sardar Bahadur Gajjan Singh :** Sir, I rise to oppose the Resolution. In my opinion, Government up to this time has been following a policy which, it is my painful duty to point out, is unwise. No Government worthy of the name could hear for a number of months speeches openly made to the effect that this Government is to be overthrown, this Government is to be turned out of India, money is to be collected, an army is to be raised, if there is any invasion from outside this Government is not to be assisted.

I am strongly in favour of patience and forbearance, but there must be some limit to that. I venture to point out, that measures sufficient to cope with the situation should have long ago been undertaken. Government, I am sorry to say, have neglected their duties towards their loyal subjects and the law-abiding people. No Government on earth could possibly have allowed such a propaganda without a word of protest. I tell you, Sir, from my own experience, that the subordinate Government officials are simply showing weakness in the matter, because they think that there will be no support given to them by the Central Government. I hope I may not be misunderstood. I am not for repressive measures. I am for the progress and development of my country. But I am strongly in favour of maintaining law and order. It is impossible to assert that this movement of non-co-operation can be carried out without any violence. We know what has happened in Calcutta. The boys would not allow other students to go into the examination hall. They would not allow the examiners to enter the hall. Men like Mr. Sastri and Pandit Malaviya were assaulted. Such instances can be multiplied.

Then, what effect would this propaganda have upon the uneducated people, upon the masses, upon the villagers? They simply construe that into weakness of Government. They will be of opinion that Government have made up-

their minds to leave them to themselves, and that they are entirely at the mercy of these persons. Open seditious meetings and lectures are given which no Government on the face of this earth can possibly tolerate. For a time it appeared as though all those sections of the Indian Penal Code which deal with such offences had been repealed. There is absolutely no reason why Government should not handle the situation boldly, legally and constitutionally. There was one difficulty of which people were very much afraid of. When any necessity arises, the rude element of the country take advantage of the situation. They commit robberies, dacoities, and other serious offences against the law of the land, and when those offences are being investigated, innocent people are hauled up. Of course, nobody can blame the Government for that. Government never wanted any innocent person to be hauled up or to suffer. There is absolutely no doubt that Government are in possession of many facts in connection with this movement, but I very much doubt if they fully realise the whole situation. They are well-informed on each and every detail. It is all very well to say, that all these measures of repression ought to be a matter of the past. But it is for us to show that there is absolutely no necessity for the Government to take any repressive measures, and I very much doubt whether the actual bringing to justice of legal offenders is really a repressive measure. I am strongly against Government taking any action which will crush the spirit of the people, at least the political spirit. But I would boldly and strongly advise Government that lawlessness and commission of offences should be boldly faced and put an end to in the interests of law and the law-abiding people of the country. As long as this movement was confined to educated people who can think for themselves and who can come to correct decisions, nobody need be anxious about it. But as we know, it is now proposed that the movement is to be taken from home to home, from village to village, and from city to city. Then it should be very unwise on the part of the Government of India to initiate a policy which would lend colour to the view that Government themselves encourage these people and embolden them, and do not do anything. So, I think Government have done only the right thing in initiating the new policy, and I strongly urge upon them that they should never allow such sort of propaganda work—I do not know whether non-co-operation itself is very serious or not—but what have the actual speeches effected? How are the minds of the people being poisoned? No Government worth its salt can tolerate such a thing. Such things should be stopped. They are offences against the law of the land and I regret to say that for several months past the law had not been brought into force. I, therefore, submit that while I am very strongly against any unnecessary repressive measures and in favour of the progress of the country on very liberal lines, Government should not forget their duties and should enforce what is necessary according to law, to preserve peace and order at any rate.

**Khan Bahadur Sarfaraz Hussain Khan:** Sir, I have given notice of an amendment to the Resolution, and that is this:

‘That the words ‘as far as possible’ be inserted after the word ‘adhere’ and the sentence beginning with ‘and’ and ending in ‘India’ be omitted.’

What I meant was, that there are always new conditions, and new developments arising; and if the Government find themselves under the necessity of doing something new, we should in no way tie their hands. Secondly, my object was, that when the Local Governments are already doing their work



‘and prevent the adoption by Local Governments of measures other than under the ordinary law of the land except under emergency and, when extraordinary measures are to be resorted to, this should be undertaken only with the concurrence of the respective Ministers and the Government of India’.

**The Honourable Sir William Vincent:** May I have a copy of this amendment? It is a rather long one.

**Rao Bahadur T. Rangachariar:** I have just drafted it; my writing is so bad that it is somewhat difficult to read. Sir, this is an occasion when every responsible citizen has to give expression to his sound views without fear or favour, without fear either of the Government or of the public, because both are potent factors in influencing the judgment of man.

Sir, I wish to tell the House a little story which I told at a meeting in Madras held in 1916 when Sir William Meyer went down there to propagate the war loans during the war period. Sir, the position of our countrymen then was that we all felt that we belonged to one household, that we were all members of the same household, and that we were bound to take all measures to protect that house against external aggression. I reminded my countrymen there of a small incident in the lives of the three Indian saints of South India which appealed to me and appealed to the public. The first three saints in South India were known as Poigai Alwar, Peya Alwar, and Butha Alwar. They lived nearly 4,000 years ago. They happened to meet at a particular place about 60 miles from Madras known as Tirkoilur. Sir, it was a stormy night; they had a humble cottage to resort to. One of them went there. We have in our part of the country, in the entrance to the house, what is called a small *pial* between the innermost part of the house and the outer part of the house. Fearing to disturb the inmates of the house, the first man went and took shelter in that *pial* and laid himself down in order to take rest having been tormented by the storm.

Sir, he had hardly laid down for about a few minutes, when another saint came there and he claimed a place. Well, the *pial* was big enough for one man to lie down and big enough for two men to sit, so the first man gave the other accommodation. Hardly a few minutes had passed when the third man came up and he had to find accommodation. Then they said: 'Very well, there is room for one to lie down, for two to sit, and for three to stand'. Well, the point of the story is this. They were all there; the night was a stormy one. They went on praying; they went on co-operating with each other; and after all their prayers had effect, and they found afterwards a fourth man, another saint, in their midst. They could not recognise him, but he was what he was. Then the storm cleared and the fourth man was the presence of the Great God Himself. He came to help them in the hour of need. Such I took to be the position of Indians. The Hindus first occupied the country. They were there enjoying all the benefits and the fruits of the country and they had gone to rest and were lying down at ease and the Muhammadan brother came and disturbed them and, for a time, they were fighting with each other and then they settled down co-operating with each other. Then, Sir, the third big brother came, i.e., Briton. He also claimed space and the two people who were already occupying India gave him space and so all three were working together and co-operating, though the big, burly brother now and then gave kicks with the hands and feet in the shape of the Ilbert Bill and other things. All the same, the big burly brother was tolerated, loved sometimes, but never hated, although he was now and then full of his pranks and mischief, especially the planting community, but all the same we were prepared to tolerate them, we were prepared to work together, to co-operate together. I appealed to that ancient story in our legend and I appealed to the audience to equal the sentiments expressed

[ Rao Bahadur T. Rangachariar.]

there and they were all prepared to protect the Empire against external aggression such as faced us that year.

Now, what has happened since that ? The non-co-operator found a fertile field for operations. Unfortunately, the history of the last two or three years has not been creditable. Now, the Honourable the Home Member asked us for sound advice in this matter, and I appeal to him to look at the pages of the history of the measures adopted by Government from 1910 onwards and see what has been the result of the measures adopted during those ten years. The lessons are writ large during the period of the last ten years. Sir, when I read the debates in this Council a year before, I think over the Punjab affair, I formed a very bad opinion of the Honourable the Home Member, whom I had not set eyes upon ; and, therefore, Sir, when I came to this Assembly I came with rage and anger and I was ready to pounce upon him if occasion arose. But, Sir, he has disarmed me in that respect. Not only he, but the other Members of Government, have also disarmed me in this matter. What is the cause for this change ? What is the cause for the change in the attitude adopted by us ? It is all because Government as now administered and advised are pursuing a very sound policy indeed. Their readiness to be frank and full in the statement of their case, their readiness to comply with legitimate demands made by the peoples' representatives in this hall, all appeal to us. Are these the men, was the question put by myself to myself, are these the men who treated Madan Mohan Malaviya with that contempt which we see in the debates ? I was surprised to see the change that had come upon them, and I hold that it is due in large measure to three causes : First of all, the presence of my Indian friends in the inner counsels of Government ; secondly, the attitude of His Gracious Majesty the King-Emperor, and thirdly, Sir, the great event which we witnessed last month by which His Royal Highness the Duke of Connaught came here to inaugurate the various Assemblies. I welcome the change. I welcome the change for more reasons than one. The non-co-operator had a fertile field to sow his seed upon ; but, Sir, the seed was a rotten seed ; the soil was fertile enough, but the seed is not one which can appeal to the intellect, to the sane intellect, of my countrymen. My countrymen may be given credit for shrewdness ; they are not fools, they are not likely to be led away easily as the Honourable the Home Member supposes. No doubt, now and then there will be ebullitions here and there but, Sir, such ebullitions can be put an end to by the ordinary weapons which the Government have in their hands ; and I am glad Government's policy has been to resort only to the ordinary law of the land. Repressive measures other than those under the ordinary law will never pay, have not paid at any time. Has not the history of the last ten years taught us that the more you resort to repressive measures out of the ordinary law, the deeper the discontent, the deeper the disloyalty which you create in the minds of the people ? Therefore, Sir, I welcome the announcement of the policy made in November last. I welcome again the announcement which has been read just now by the Honourable the Home Member from that confidential despatch which he referred to of January. By all means use the ordinary law of the land. It is because the ordinary law of the land was not sufficiently used that the situation which you now find it difficult to eradicate arose in the last seven or ten years. By all means use them. No responsible citizen, no sane man, will object to the ordinary law of the land being used ; therefore

I move my amendment, namely, that while welcoming the declaration of policy as contained in the announcement in November and October last, I think the Government ought to take care that the Local Governments do not resort to other than the ordinary law of the land except with the consent of the Ministers of the provinces concerned and with the concurrence of the Government of India. Sir, this safeguard is necessary. We know, Sir, especially in Madras, we know the bitter experience which we had of the executive being led away by private reports given to them without the knowledge of other people. We know, Sir, how the Home Rule movement for instance, which was started by Mrs. Besant, who is now revered and honoured in this hall, was persecuted, how she was persecuted on the bad advice of the people on the spot. But that was the reason why the Home Rule movement gained strength. The more opposition you create to one thing the more you encourage it, the more life you give to it. We feel it by experience; and therefore Government cannot be too careful in these matters. But we responsible citizens who have come here to assist the Government ought to assist the Government in maintaining law and order. Who can say nay to it? But in maintaining law and order, whether the agents of Government practise law and order, is what we have to see. Government, just as they are swift enough to come down upon citizens, should also be equally swift to come down upon their agents who break the law and order. It is because they do not do this, that even people who are constitutionally conservative are perforce obliged to distrust the Government. Now, all those days are past, and I hope they are past for ever, and I hope the Government will be strong not only in dealing with the agitator and the people, but also with their agents who have to carry on the trust that is entrusted to them by their being placed in a position to look after the welfare of the millions of this country. Therefore, Sir, while we are prepared to go so far just now as the Government apparently are anxious to take the opinion of this Assembly and as the Honourable the Home Member has warned us that this view which we are going to give is going to guide them in their deliberations, especially at a time when a new Viceroy is coming here, so that his hands may not be tied by any steps which may be taken by the Government before he comes, I think, Sir, it is our bounden duty to warn the Government against resorting to measures other than those under the ordinary law of the land. So long as you have the support of the Ministers, who are all good and true men, so far as I know them, so long as you have their assistance, I say, and their co-operation in the matter, any steps taken to counteract the influence of the non-co-operator would have our hearty support. But, acting in concert with them, do not give a *carte blanche* to Local Governments. We have had bitter experience of that *carte blanche* in the Punjab; by trusting to the men on the spot, the Government of India have been faced with a situation which it would take years and years to eradicate. Let that theory be dropped. By all means trust him, at the same time keep your guiding and controlling hand over him, do not leave him all to himself. Sir, with these words I beg to move my amendment.

**The Honourable the President:** A second amendment has been moved. Before I put it to the House I should like to know whether the Honourable Member (Mr. Sarfaraz Hussain Khan) who moved the original amendment wishes to adhere to it.

**Khan Bahadur Sarfaraz Hussain Khan:** What is the position, Sir?

**The Honourable the President :** The position is, that there are two amendments before the House; one must be disposed of before we take the other. Does the Honourable Member wish to move his amendment? The Resolution as proposed to be amended by Khan Bahadur Sarfaraz Hussain Khan reads as follows :

‘This Assembly recommends to the Governor General in Council that Government should adhere as far as possible to the declaration of its policy made in October and November last.’

That is the form in which the Honourable Member would leave it if his amendment were carried. The form proposed by my Honourable friend on the left (Mr. Rangachariar) runs as follows :

‘That this Assembly recommends to the Governor General in Council that Government should adhere to the declaration of its policy made in October and November last to prevent adoption by Local Governments of measures other than under the ordinary law of the land, except in some emergency, and where extraordinary measures are to be resorted to, this should be undertaken only with the concurrence of the respective Ministers and of the Government of India.’

We must dispose of the first amendment before I put the second amendment to the Assembly.

**Khan Bahadur Sarfaraz Hussain Khan :** If it is the wish of the House, I shall withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

**The Honourable the President :** The next amendment proposes to leave out all the words from ‘and ask’ to the end of the Resolution, and to add the words ‘to prevent the adoption by Local Governments of measures other than under the ordinary law of the land, except in some emergency, and where extraordinary measures are to be resorted to, this should be undertaken only with the concurrence of the respective Ministers and of the Government of India.’

The question I have to put is, that that amendment be made.

**Sir P. S. Sivaswamy Aiyer :** Sir, I wish to associate myself with the remarks which have fallen from my Honourable friend, Mr. Rangachariar, in moving this amendment. I do not propose to claim the attention of the House for more than two or three minutes. I have no intention of telling the House any long stories. Those who have heard the statement of the Honourable the Home Member must feel it their duty to support the Government in their attempts to preserve law and order by recourse to such measures as the ordinary law provides them with. The statement of policy which was made by the Honourable the Home Member must commend itself to all of us. The Government say, they have only two objects : one to make the Reforms a real success and promote the attainment of full responsible government ; and the other, the preservation of peace and order. No one of us can possibly take exception to that statement of the policy of the Government of India, and as regards the measures to be adopted by them, I am in entire concurrence with the course which has been advocated by my Honourable friend, Mr. Rangachariar. If all sections of the public have felt themselves bound to oppose the Government in any of the measures they have taken in recent times to suppress disorder, it is because the Government have tried to resort to measures of an exceptional kind instead of resorting to the ordinary law of the land. If the Government follows the policy which has now been suggested by my

Honourable friend, and which, I am sure, is the policy of the Government also, I do not think any one of us would feel inclined to withhold his approval from the measures which the Government may feel disposed to take for the maintenance of peace and order. I would only add that it is necessary for us to effect some amendment of the original proposition. The original proposition places us in a most awkward position. It uses the expression 'repressive measures', an expression which is of a question-begging character. If we vote against the proposition we shall be held to have voted in favour of repressive measures. That, I think, is not the intention of those who wish to support the Government on this motion. We have no wish to encourage the resort to repressive measures, but we wish to support the Government in all attempts by them to withhold law and order by all means under the ordinary law. I would therefore strongly urge upon the House the necessity for not allowing the original proposition in its unamended form to go to the vote for it would mean that we are in favour of repressive measures. There are repressive measures and repressive measures. Even measures taken under the ordinary law for the suppression of disorder may by some be described as a repressive measure, but that, I think, is not the sense in which the words are ordinarily used in political discussion. I would therefore ask the House to accept the amendment which has been moved by my Honourable friend so that it may be made clear, that in according our support to the Government, we accord our support to them to the extent they use the ordinary law of the land, and if they are at any time compelled to use other exceptional measures, we hope they will do so subject to the limitations which have been mentioned.

**Mr. Harchandrai Vishindas :** '.....They came to curse ! and went home blessing.' I think that proverb in a great measure applies to the debate that we have listened to to-day. I want to inform you, Sir, that I was one of those who had sent a similar notice of motion, and while the Honourable the Home Member was referring to somebody other than Mr. Jatkar, he was referring to me. I was the culprit. Sir, I think to-day's debate has served a very useful purpose. I want to explain that when I sent in a notice of motion I wanted to have a declaration of policy from the Government and to ascertain whether what is being bruited abroad about Government resorting to unnecessary repressive measures was really true or false, and I wanted also to urge upon this Assembly, that when we have begun work under such peaceful conditions, that when there has been so much harmony between the Legislative Assembly and the Government, it is highly undesirable that any action should be taken by the Government to discredit the Assembly and give an opportunity to our opponents outside this Assembly to laugh at us. Now, Sir, you are aware that the chief plank in the non-co-operation platform was the boycott of the Councils, and therefore you can at once conclude that all those who have assembled here to-day are against non-co-operation. Sir, I wanted, in order to bring this motion before this Assembly, as I have explained, in the first place to have a declaration of policy, and in the second place to impress upon the Government that this was not the opportune time for the adoption of repressive measures as we had originally understood them. But here I might say, that after hearing the Honourable the Home Member, if his statements are to be believed, and I do not see any reason why they should not be believed—really no such repressive measures as are implied in this Resolution are being adopted. As the Honourable the Home Member has explained to us,

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it is only the ordinary law of the land that is being resorted to and that also where disorder arises, where the peace and tranquillity of the country is threatened, and where the law-abiding people have otherwise to suffer. Under those circumstances, I do not think there is any man who, unless he is a man who has lost all sense of order and peace, will question the action of the Government.

There is also another aspect of the question which presents itself to my mind, and which I intended to place before this Assembly and the Government, and it is this. Much of the ground has been already cleared in the interest of the country already. We had the Punjab debate to begin with. That was another of the sorest points over which the people were aggrieved. I will not go the length of saying that people have received complete satisfaction on that question by the decision that was arrived at, specially having regard to the white washing of an individual, who shall be nameless, still I think that the Government did meet us half way and that the Government did descend from that high horse which they were riding in the debate last autumn to which Mr. Rangachariar has just referred. That is a concession which should be appreciated.

And, after all, that question, for the time being, so far as this Assembly is concerned, is at rest. Then, another point which is plied on the platform of the non-co-operators, is the Khilafat question. I think the latest telegram on that question has produced a very reassuring effect. We hear that the delegation of the Turks have been satisfied with the terms for revision of the Treaty of Sevres, and have departed from London, for Angora, and they expect that the terms will not only satisfy them, but they will satisfy the Anatolians with whom the decision rests. We ought to thank the Honourable Mr. Bhurgri, who raised this question with the consent of the Honourable the Home Member in the Council of State, which resulted in the Government authorising the despatch of the Muhammadan delegation to the Peace Conference in London, and which has produced very beneficial results. It cannot possibly be denied that it is on account of the feeling of Indian Mussalmans that such desirable results as these are probably being arrived at that Mussalmans certainly will recognise that it is by no means . . .

**The Honourable the President:** I recognise that it is not easy to make a speech upon this question without referring to this particular subject, but the reference must be very brief.

**Mr. Harchandrai Vishindas:** I thank you, Sir. That is the second point on which also we have had a satisfactory result. The third point is—I am talking of the non-co-operation point of view—Swaraj. Well, we who have come to this Assembly are assured that we are on the way to Swaraj, although I have no faith in its coming in seven months' time. We have shouldered a very heavy Budget owing to circumstances over which we had no control. In the next place, the new Viceroy is on the eve of his arrival and no action should be taken which would have the result of embarrassing him. These were my reasons for sending my notice of motion, but after the statement of the Honourable the Home Member, I think that the object which the Resolution had in view has been achieved, namely, that Government would not resort to such repressive measures as are contemplated to be condemned, but only to the ordinary law of the land. That being so, I think the adoption of the Resolution as modified by Mr. Rangachariar would meet the wishes of the Government itself. Because they themselves say, that they have been doing so and

they will be confirmed in their action and their policy by the opinion of this Assembly. I think the Home Member, after the speeches that have been delivered in this House, will be satisfied that this House has no intention of embarrassing the Government, but on the contrary of helping the Government in the preservation of law and order. So, on that point also, the Home Member will be satisfied. I think, considering the peaceful and the harmonious relations which have existed between the Legislative Assembly and the Government, it will be in the interests of the continuance of these relations that this Resolution should be adopted. With these few words, Sir, I support the amendment.

**The Honourable Dr. T. B. Sapru :** Sir, after the very lucid and exhaustive speech of my Honourable Colleague, Sir William Vincent, I do not think I should be justified in taking the time of the House unnecessarily in explaining the policy of the Government. So far as that policy is concerned, if I may be permitted to sum it up, it can be summed up in one word. The mere fact that a person happens to belong to the non-co-operation movement or that he is carrying on non-co-operation propaganda is not enough to bring him within the purview of the law. But when he transgresses a certain limit, when he appeals to popular passion and incites people to violence, he cannot under any system of law or political morality claim exemption for himself. That was the keynote of the Resolution which was issued by the Government in November last and I venture to think, that if you examine dispassionately each single case that has arisen since November last, you will find that the Government has scrupulously adhered to that principle. It is possible, that whenever any prosecution has been started, either under one section of the Penal Code or under another section of the Penal Code, you may hold that the conviction is wrong, but that is not the question before the House. The question is, whether in regard to any important matter which is to be found in that Resolution the Government has made a departure. On that point, my Honourable Colleague, Sir William Vincent, has given what is, I venture to submit, an effective answer, and I hope that the House will accept it. Now, with regard to the amendment which has been moved this afternoon by my Honourable friend, Mr. Rangachariar, I am sure, it has been moved in a spirit of friendliness, and I believe that nothing is further from the intention of my Honourable friend, Mr. Rangachariar, than that his amendment should have the effect of embarrassing the Government. But I also hope, that when I point out to him certain inherent defects in that amendment, he will see that there is a good deal in the view which I am going to put before the House. Now, in the first place, I will just invite the attention of the House to the terms of the Resolution which stood originally in the name of Mr. Jatkar and which has been moved this afternoon by my friend, Dr. Nand Lal. It says :

‘ This Assembly recommends to the Governor General in Council that the Government should adhere to the declaration of its policy made in October and November last and ask the Local Governments to stop all repressive measures now being used all over India. ’

Now, if you analyse the terms of this Resolution, and I will beg you to analyse them rather closely because that will prevent you from going astray, if I may be permitted to say so,—it really comes to this : in the first place, the Government of India are asked to declare that they are adhering to the policy enunciated by them in October and November last, and, in the second place, it asks the Government of India to request Local Governments or to ask



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the Local Governments to stop all repressive measures without any exception which are now being used all over India. So, if you bear the terms of this Resolution in mind, the field of discussion becomes very narrow. Now, I don't think that it would be very germane to the terms of this Resolution to discuss extraordinary acts to which, except in two instances to which reference was made by Sir William Vincent, recourse has not been had during the last two months. I believe what was passing in the minds of Mr. Jatkar when he framed his Resolution, and what I must assume passed also in the mind of Dr. Nand Lal when he stood god-father to it, was the prosecutions which are being started under section 144 of the Criminal Procedure Code in various parts of the country. Now, here, I will beg you to remember that you have passed a Resolution in this Assembly asking this Government to appoint a committee for the consideration of all repressive legislation and I would respectfully remind the House that among the various acts or laws that you have referred to, certainly section 144 is not one. Now, what I would say is, whether the provisions of section 144 have been applied correctly or incorrectly to a particular case is a different question, but the question really is, whether when you find that a particular individual is transgressing the limit or when he is acting or is about to act in a manner prejudicial to public safety, the Government is to stand aside and to stand as if it was helpless, or whether it is not its duty to prevent any one of these disastrous consequences which it is easy to imagine.

I venture to think, that there can be only one answer, and that has been given to-day by almost every speaker who has proceeded me this afternoon.

Now, I come to the amendment which has been moved by my Honourable friend, Mr. Rangachariar. His objection is not to the application of the ordinary law of the land whenever it may be necessary, but his objection is that the application of the ordinary law should be subject to two important conditions . . . .

**Rao Bahadur T. Rangachariar :** No, no. You have misunderstood me. Extraordinary law I said.

**The Honourable Dr. T. B. Sapru :** I thought my learned friend looked upon section 144 . . . .

**Rao Bahadur T. Rangachariar :** Certainly not. Section 144 has been the law of the land for ever so long.

**The Honourable Dr. T. B. Sapru :** So far as my argument is concerned, it remains unaffected by that distinction which has been pointed out to me. Take, for instance, the extraordinary law of the land. I will only venture to point out to the House, that there are certain special Acts passed by the Legislature which can be extended to the provinces only with the previous sanction of the Government of India, so that my learned friend need have no apprehensions with regard to that particular matter. Again, it is quite obvious that if the terms of the amendment which has been moved by my Honourable friend, Mr. Rangachariar, are accepted in the manner in which it has been moved, I venture to submit, it really casts a reflection upon the local Governments. It is a severe censure upon the Local Governments, who are better able to examine the local situation and to take action whenever any grave emergency may arise. But the Government of India, when it is asked to

extend any special Act, carefully examines the position and asks itself whether a case has been made out for the extension of that particular Act. Therefore, I think that so far as this part of the amendment of my Honourable friend is concerned, it is misconceived.

I will now briefly deal with the second part of the amendment, and that is that which relates to consultation with the Ministers. I shall venture to point out, that Law and Justice in the provinces are reserved subjects, and constitutionally it would be absolutely wrong to impose the condition that no action should be taken under any extraordinary Act by the Governor in Council unless he had the concurrence of the Ministers who had nothing to do with Law and Justice. In actual practice, you will find in certain provinces, that the Ministers are generally consulted by the Governor, and I can say that no Governor has placed more confidence in his own Ministers than the Governor of the province from which I have the honour to come. Therefore, while it may be, and while probably it happens, that in actual administration the Governor as a matter of precaution or prudence, takes into consultation informally his Ministers, I think you would be imposing an absolutely unconstitutional condition upon the exercise of his powers by the Governor in Council to ask him to first obtain the consent of the Ministers. Therefore, I will ask you on these grounds not to accept the amendment which has been moved by my Honourable friend, Mr. Rangachariar.

I have only one word more to say and then I shall resume my seat. Probably, it has been assumed in the course of the discussion that most of the prosecutions that have been started have been started lightly. The best answer that I can give is, in the words of Mr. Gandhi himself which I came across in his own paper this morning. Honourable Members may no doubt be aware that a distinguished Member of the Legislative Council, I refer to Pandit Madan Mohan Malaviya, has the misfortune of differing from Mr. Gandhi in regard to the non-co-operation movement. I need not remind the House of the recent happenings at Benares, but it is sufficient for me to say, that a man of his personality deserves certainly better treatment, and yet the treatment he has received you will gather from the paragraph that I am going to read to you. It will give you the view which Mr. Gandhi himself has taken of the Benares prosecutions in his *Young India*. These are the words used :

‘The attack on Pandit Madan Mohan Malaviyaji is symptomatic of the temper of the people. If any man in India should be free from insult it is Panditji. His services to the Punjab are still fresh in our memory. After all, his labour alone has brought into being that great University in Benares. His patriotism is second to no one’s. He is gentle to a fault. It is India’s misfortune, not his fault that he does not see his way clear to risk the temporary giving up of his idol (that is, the Benares University). That he should have been insulted in the manner reported is a matter of deep sorrow. If the Sanskrit students or the so-called Sanyasis chose to block the passage of the students, Panditji certainly had the right—it was his duty—to intervene and secure a free passage for co-operating students. In my opinion, the police were perfectly justified in prosecuting the ringleaders or those whom they believed to be such. That those arrested were roughly handled I can well believe. But we may not expect gentleness from the police even when we have attained *Swaraj*. I am, therefore, unable to extend any sympathy to those who so manifestly discredited a cause which they ignorantly claimed to represent.’

When intolerance of this character spreads over the land, can you really expect the people to behave otherwise than these people did, and can you expect any other judgment than that which has been given by Mr. Gandhi himself? The whole point to my mind is this. I say to those who are

[Dr. T. B. Saprū.]

responsible for the movement, 'You have sown the wind, and you cannot refuse to reap the whirlwind.'

**Mr. Jamnadas Dwarkadas:** My Honourable friend, Dr. Saprū, has anticipated me in quoting the passage from *Young India*, but there is one sentence particularly in that paragraph written by Mr. Gandhi which he would apply to Pandit Madan Mohan Malaviya, and which, with due deference, I would apply to Mr. Gandhi himself. He says, speaking about the beloved Panditji:

'It is India's misfortune and not his fault that he should not give up his temporary idol and not join the non-co-operation movement.'

I should say the same thing about Mr. Gandhi:

'It is India's misfortune and not his fault that he should not give up his idol of non-co-operation, and not join this movement of making the reforms a success.'

Mr. President, I rise to oppose the Resolution moved by my friend, Dr. Nand Lal. It has been pointed out, and I entirely agree, that it would not be right for us as responsible Members of this Assembly to tie down the hands of Government to a policy which it may be necessary for them to change any day in view of the circumstances that are to-day existing in the country. One does not know what developments will take place in the movement of non-co-operation. We see clear signs of outbursts of violence here and there. It may not be at certain places in a very acute form, but there are clear indications that the spirit of intolerance is growing far and wide among those who call themselves non-co-operationists, and for the purpose of preserving law and order and giving peace to the people of this country it may be necessary for the Government to resort to the law of the land in order to deal with those who are inciting the people to crime.

Mr. Gandhi himself has justified the action of the police against those who treated Pandit Madan Mohan Malaviya in that manner. This morning I was reading in the *Leader* a letter written by a gentleman called Krishnaji in Allahabad, and in that letter I read a piece of news which made me very angry. Last year, or the year before last, when I heard of the treatment accorded to the revered Pandit Madan Mohan Malaviya in the Council by Government officials, I confess I could not help feeling angry with those who had thus insulted a man who stands as an example of self-sacrifice and love of country in India, but I assure you, Sir, that when I read this morning of the insult that had been hurled at Pandit Madan Mohan Malaviya by those who pose as leaders of the country to-day and who have succeeded in driving out of the Indian National Congress leader after leader to the detriment of the cause that is dear to us all, that insults have been hurled by those which go far beyond the insult that even in imagination the officials could have ever hurled at Pandit Madan Mohan Malaviya, my anger against the officials entirely disappeared. This is what one of the leaders of the non-co-operation movement says about Pandit Madan Mohan Malaviya. He said at a public meeting that he wished that Pandit Madan Mohan Malaviya had been dead rather than that he should not join this movement. I ask you, Sir, whether these so-called non-co-operators and their leaders have not transgressed all the limits of propriety in trying to make their movement successful. It is likely that they may escape the result the penalty, for these crimes, as I may call them, but those whom they incite to crime will, I think,

not be able to escape being victims of the action of those who incite them. Sir, if, in this country, any one had ventured to insult a man of the type of Pandit Madan Mohan Malaviya in the presence of some of us who hold him as an example of patriotism and self-sacrifice for the country, I think it would not have been possible for some of us to keep in our minds the principle of *ahimsa* which Mr. Gandhi is, in season and out of season, preaching. We would probably have taken the law into our own hands and justifiably so; and, at this moment, in the country, when insults are being hurled at those who have grown grey in the service of the motherland in this manner, when, under the guise of staunch nationalism and patriotism, men with questionable aims come out and create a following in the country, then, I think, it becomes the duty not only of the Government but of all who consider themselves peaceful and law-abiding citizens to come out and join hands and say emphatically that this movement shall be put down. Sir, the Honourable the Home Member has told us that no person is going to be prosecuted only because he belongs to the non-co-operation movement and that is, I think, a very great safeguard that is provided against resort to repression. The Honourable the Home Member has also informed us that some of those who call themselves followers of Mr. Gandhi far from sharing the high ideals of Mr. Gandhi and his views about non-violence are known to be carrying on negotiations with foreigners with a view to make it possible that a foreign aggression should come to this country. I say, Sir, that if this is the state of affairs, then it is high time, that instead of being afraid of unpopularity, instead of facing the situation as it stands to-day, we should refuse to allow ourselves to be carried away by a sense of false fear of the people, and refuse to act against their interests by acceding to a Resolution like the one that my Honourable friend, Dr. Nand Lal, has moved. Sir, I assure you that there is not a single Member of this Assembly, who, in whatever he does in this Assembly and outside it, is not stirred with a feeling of patriotism and of staunch nationalism. I am sure that there is not one Member of the Assembly who does not look upon the country as the sole object of his services and who would do anything that is against the interests of the country. I may say that there is no Member of this Assembly whose sole object in coming to this Assembly is not to serve to the best of his ability the interests of his country. I am sure that there is no Member of the Assembly who does not hold his country dearer than, I may say, life itself: and, if that is so, then I think it becomes the paramount duty of every Member, when a situation of this character arises, to come forward, even at the risk of displeasing the people, and tell them, as Charles Bradlaugh told them in old times—and there was hardly a man who was more popular than Charles Bradlaugh:

‘I love you; I shall work for you; I live for you; I am prepared to die for you; but when you go wrong, I shall have the courage to say, stop, you are wrong, you shall not do this.’

Sir, I oppose the Resolution.

**The Honourable Sir William Vincent:** Sir, I want to say a word with reference to this amendment of Mr. Rangachariar, because it is very important from my point of view and from the point of view of Government, that where there is so little difference of opinion, there should not be apparent to the outside public a division over the matter such as he has put forward. I believe that the policy of the Government of India, as I enunciated it to-day, has the almost unqualified support of this Assembly (Hear, Hear), and it would,

[ Sir William Vincent.]

therefore, be lamentable if any impression was created outside by the acceptance of such an amendment as he has proposed that this was not the case.

On the other hand, it has been pointed out to me by Sir P. S. Sivaswamy Aiyer that the Resolution is so worded that it is difficult for most to oppose it. It implies that repressive measures have been adopted, and are approved, and the term 'repressive measures' ordinarily means measures under some extraordinary legislation. On the other hand, when I looked at Mr. Rangachariar's amendment, when I read it with the original motion—if Honourable Members will just take the Resolution in their hands for one moment they will follow me—I find it runs :

‘ . . . . . and to *prevent* the adoption by Local Governments of measures other than under the ordinary law of the land except in some emergency, and when extraordinary measures are to be resorted to they should be undertaken only with the concurrence of the respective Ministers and of the Government of India.’

Well, the first point I want to make on this amendment is—does this Assembly wish to weaken the hands of the Local Governments? Because that will undoubtedly be the effect of accepting this amendment. The suggestion will be 'that Local Governments have been issuing repressive measures improperly and we are preventing them.' I do not think that Mr. Rangachariar or any one else wants that impression to be created. Local Governments have been suffering from all this disorder and it is essential to check it. One accusation indeed brought against us, as said by Sardar Gajjan Singh, was that the Local Governments are unreasonably backward in prosecuting when they ought to; and a great many people take that view. If in such circumstances you are going to tell the Local Governments that they have been too hard and that we are going to prevent them from prosecuting hereafter without the concurrence of the Ministers, they will say 'Well, here is the Government of India, here is the Legislative Assembly letting us down again; we have struggled hard against this movement; first you asked us to take certain action and then you will not support us.' Another point is, that there are certain Acts which the Local Government can do—certain powers which they have and certain duties they are bound to perform for the maintenance of law and order; in some cases they have, under the law, to come to the Government of India for sanction to use certain legislation. For instance, if a Local Government wants to put Regulation III of 1813 into force it has to come to the Government of India. If it wants to put the Seditious Meetings Act into operation, it has to come to us. But, on matters within their powers as given by the law, neither the Government of India nor this Assembly nor any one else can control the Local Government. Take the Local Government of Bombay for instance. I should not like to have to tell them, 'You should abstain from this or that Act although it is within your statutory powers.' No Local Government will stand it. They would say, 'This is a reflection cast upon us; within our powers given to us by the law we are going to act as we think best.' Now, let us take the question of consulting the Ministers. Ministers are responsible for transferred subjects, and Members are responsible for the reserved subjects; the Assembly knows that; and that is the constitutional position under the Government of India Act, and you cannot alter that by any Resolution of this Assembly; and I hope that this Assembly will not ask the Government of India deliberately to break what is the law of the land. That is a plain proposition; and there is nobody, if I may say

so, who knows it better than my Honourable friend, the Mover of the amendment, because a more acute lawyer there has not been in this Council for some time.

However, I appreciate his difficulty and I suggest that we might, if it meets the Members of the House, close the debate on these lines : and accept an amendment in the following words, which I have drafted, I may say, in consultation with my friend, Sir Sivaswamy Aiyer. It runs as follows : 'That the Government should adhere to its policy as announced to the Assembly to-day and as far as possible to avoid recourse to any proceedings under exceptional legislation in dealing with the non-co-operation movement ; that is, they should prosecute under the ordinary law where they can, but should not have recourse to exceptional legislation save in exceptional circumstances.' I believe that will meet everybody. It will avoid any appearance of censure—I say appearance, because I do not think any one really meant to censure the Local Governments—and it will not weaken the Local Governments.

I have only two more points to make. I have just mentioned that there are some people who think that the Local Governments do not prosecute enough. Now, this is a very difficult question. I am myself all in favour of prosecuting more people under the ordinary law ; but the difficulty is, that witnesses will not come forward ; they are intimidated and are therefore unwilling to give evidence, and prosecutions take a long time and create a good deal of excitement. Again, I get reports of a dozen speeches from the C. I. D. If we were to prosecute on these reports, Members of this Assembly would at once say, ' Good heavens. Look at the policy of the Home Member. Was there ever such a piece of wickedness ? ' At the same time there is no other agency to secure correct reports and in these circumstances it is often extraordinarily difficult to prosecute.

The only other point to which I wish to refer is the allegation that I have changed my attitude since last year. I gather that the Honourable Member thinks that the change is for the better. The best reason I can give for this, if it is correct, is that I am a servant of His Majesty the King-Emperor, and of His Majesty's Government, and it is our duty to make every effort to carry out the policy of His Majesty's Government to make these Reforms a success by co-operating with this Assembly. And it is the proud privilege of the Indian Civil Service to which I have the honour to belong, to join in the effort to make the Reformed Governments the most successful that this country has ever seen.

**Bhai Man Singh :** Sir, the Honourable the Home Member has said in his first speech and also repeated it in his second speech that the Government Members want to make the Reforms a success. I respectfully submit, that the present Resolution, especially the amendment proposed by my Honourable friend, Mr. Rangachariar, is quite in the spirit of the new Reforms Scheme. The underlying idea of the scheme is popular Government, and of course I clearly see that the only principles that can truly be said to form the basis of a popular Government are love and affection rather than repression. Only those measures should be adopted that command the public confidence, nay, love and admiration, not awe and fear. The main principles of our governance should be love and not fear. Of course, it is very clear that the real foundation of a great empire can only be love and mutual good-will. My friend, the Honourable Sardar Bahadur Gajjan Singh, just made a little allusion to the fact

[Bhai Man Singh.]

that certain boys at certain places had misbehaved themselves in certain ways. I hold no brief for them, nor do I at all justify their action. I say that such movements according to the theory of a long rope, very often begin to die their own death. We clearly see that the movement of non-co-operation amongst students is undergoing a re-action. Governments should have larger hearts and should not grow nervous at trifling things.

The best principles of statesmanship require that such measures only should be adopted as are most conducive to the peace and prosperity of the country in the longer run. The best policy always is to go to the root of the evil and to strike at it. The Honourable the Home Member just related certain troubles at Rai Bareilly. I submit, that if the Government were to go to the root of the thing and find out what the real difficulties of the people were and why and from what troubles they were suffering, and then took speedy measures to root out those evils, then even the non-co-operator would not have been able to bring matters to such a long pass.

Repression is not the only measure to bring about peace and order; as I have pointed out, there are other means, besides repression, of removing the very causes that may give rise to any breach of the peace and, in many cases, I submit, it is quite possible to remove them. Repression may perhaps bring about order at a certain moment, but sometimes it may have quite the reverse effect. It may sometimes lead to desperation, and if certain things subside for a short time there is a greater re-action. We have got such instances in the case of Martial Law in the Punjab where repression and certain extreme measures did subdue agitation for the time being but has brought about a greater re-action.

I may further add, that the reports which the Government get through the C. I. D. or other agencies and the theories that may be built upon these reports are not always correct, and misunderstandings cause mistakes, which in turn lead to very deplorable results. Therefore, in speaking on this Resolution I wish to draw the attention of this House and of the Government to the fact that no doubt every Government has at certain times to use repression perforce. But the best thing always is to avoid repression as far as possible and try to strike at the very root of the thing.

The Honourable the Home Member made a little reference to the Sikh position in the Punjab. I may say, that the movement is a purely religious one, and as a Sikh knowing my people in the Punjab full well, I could say that the situation was and is very easy to handle if a little tact is used. In order to illustrate what I have already said about removing the causes and using a little foresight to avoid future unrest or breach of order, I might say, that even the present situation in the Punjab could have been avoided if the sentiments of the people had been read in due time and their complaints about the management of the Golden Temple and Babe-di-Ber were heard and decided in a satisfactory way. I do not want to discuss this point at length here,—I do not mean to say that I am afraid of discussing this question, but going into details would lead us further from the point before the House, but I cite this as an instance to prove the fact that if due care and caution had been exercised and the complaints of the people were heard, and remedied in proper time, many of the difficulties which exist to-day could have been avoided. Even when difficulties arise, if they are

handled more calmly and tactfully, much of the trouble can be avoided. The underlying idea of the Resolution being that repression should be avoided as far as possible—of course I myself would never say that any Government can afford to make it a universal rule, not to use repression under any circumstance, but I think that much of the repression can be avoided with very good results and so this course should only be adopted very sparingly. I support the Resolution.

**The Honourable the President:** Order, order. There are really two Resolutions before the House, and I want to know whether after the closing remarks of the Honourable the Home Member, Dr. Nand Lal proposes to withdraw his.

**Dr. Nand Lal:** I may be permitted to offer some remarks, Sir : (Cries of 'No, No,' and 'Withdraw, Withdraw'). Those who are ready to ask me to withdraw, I am sorry, will feel disappointed.

All gentlemen who moved the amendment or offered suggestions for withdrawal, did so after making a few remarks. I may also be permitted to offer some remarks, Sir, and those remarks will lead to some deduction. But I promise that I shall take only a few minutes though I cannot promise to withdraw.

**The Honourable the President:** I am not quite sure what point the Honourable Member is speaking to now.

**Dr. Nand Lal:** I should like to offer some remarks in reply to the criticism that was levelled against the wording of the motion so far as interpretation is concerned, and I shall offer some remarks in reply to the arguments advanced so far as non-co-operation is concerned. My arguments so far as the amendment is concerned, will be very brief. I shall give only a skeleton of my views, and not the details. This I promise. I cannot say anything unless I am permitted by the Chair. I must abide by the rules of discipline. (After a pause) Am I allowed to proceed, Sir?

**The Honourable the President:** I do not know what the Honourable Member is waiting for.

**Dr. Nand Lal:** Thanks very much. Simply because I am a keen observer of discipline I was waiting for permission Sir, I think, not only I, but also every Member of this Assembly has to perform a duty, and that duty is characterised in a peculiar way. The terms of our service are, that we have to convey the message of the majority of the people of India to the Government, and at the same time we have got to assist the Government thereby. In that spirit this Resolution has been moved, so that the Government may be able to hear what the views of the majority of the people of India are; the Government will have an opportunity of giving an explanation and the people of India will hear what the Government has to say in the matter. Therefore, I entertain every hope that the Government will be pleased to hear the views of the people of this country. The Honourable Sir William Vincent has endeavoured to give an explanation. If I have rightly followed him, it is this, that there is the non-co-operation movement and it is creating numerous difficulties and that consequently Government is compelled to resort to repressive measures. In reply to that, I may venture to inform him that there are two schools of thought in India.



[ Dr. Nand Lal.]

Non-co-operation is one school, the other school comprising gentlemen who are in favour of co-operation. So, therefore, I think his fears, with due deference to his experience, power of anticipation, foresight and insight, are a bit magnified. If the school, comprising gentlemen in favour of co-operation, do not, as I dare say they do not, share the view of the other school, then, I believe, there is not much to fear.

**The Honourable the President:** Order, order. The Honourable Member should not go into the entire natural history of Indian politics. He should confine himself to the terms of his own motion and it might assist us if he would give us a hint as to whether he means to withdraw or not.

**Dr. Nand Lal:** Probably I may eventually feel inclined to countenance the amendment, moved by the Honourable Mr. Rangachariar. The other point, which I have got and which I think is a full answer to the Honourable Sir William Vincent's argument, is that our Government is a mighty Government, a powerful and great Government. The greatness and the mightiness of the Government require that they should not think of trifling things. These things do happen. They do not happen in India alone. They happen in every country. Such offences are committed: the heinousness of these offences should not be magnified because they happen to have been committed in India. Take a homely instance. The father is there in the chair, the children are fighting with each other. If the father is going to hold a court (I mean trial) in the case of every child, I think there will be no end of cases of dispute in the House. So, therefore, my appeal to the Government is, that being as mighty as our Government is, they should look upon these disturbances as ordinary disturbances which are compatible with human life occurring not only in India but everywhere else.

The third point which I have got to urge is this. Let us ask history as to what is its verdict. Because history is the best guide. From 1907 right up to now, repressive measures have been adopted to a certain extent, barring a few intervals. What has been the consequence? I ask for what purposes are these repressive measures resorted to: what is the ultimate object? Peace and order. Well, let us examine whether it has proved really productive of peace and order. With due deference I very respectfully submit that the result of repressive measures has not been wholesome. In any case it has not been so good as it was expected by the Government. Further, on this score, too, I think I can, with some amount of justification, urge upon the Government kindly not to adopt repressive measures if they are not necessary. My Honourable friend, Dr. Sapru, the Law Member, has tried to construe the wording of the Resolution and he has dilated upon the word 'now'. I may point out to him, that the word 'now' does not mean 'this moment' alone. It includes that no doubt, but it also includes 'yesterday' or 'day before yesterday'; here it (the word now) has the significance of 'from the time the declaration was made right up to now'. So, therefore, if my Honourable friend, Dr. Sapru, will kindly adopt my definition of the word 'now', then he will, I think, find it not very difficult to accede to my contention that we should not have repressive measures. And my request is, that those repressive measures may not be adopted where they are not necessary. Then, my learned friend has laid great stress on the word 'repressive'. He has tried to construe it. With due deference to his advocacy and his way of

construing it, I may very respectfully submit, that I beg to differ from him. Here the word 'repressive' means what is really repressive in its character. Other things are not to be brought into it. The wording of the Resolution, so far as I can see,—I am subject to correction—is appropriate. 'Repressive'—nothing which is not repressive is included in it.

**The Honourable the President :** I am afraid I shall have to put into operation a piece of repressive legislation against the Honourable Member. If he will read Standing Order 62, he will find out why his speech is now at an end.

The question I have to put—(to Mr. Rangachariar) I understand the Honourable Member withdraws his amendment?

**Rao Bahadur T. Rangachariar :** Subject to two words, Sir.

**The Honourable the President :** Order, order. I understand the Honourable Member does not desire to press his amendment. The question I have to put is, that leave be given to Mr. Rangachariar to withdraw his amendment.

The amendment was, by leave of the Assembly, withdrawn.

**The Honourable the President :** The question is, that leave be given to Dr. Nand Lal to withdraw his Resolution.

**Dr. Nand Lal :** I have not withdrawn my Resolution, Sir.

**Mr. S. P. O'Donnell :** Sir, I beg to move the following amendment :

'That this Assembly recommends to the Governor General in Council that Government should adhere to its policy as announced to the Assembly to-day and should as far as possible avoid recourse to any proceedings under exceptional legislation in dealing with the non-co-operation movement'.

**Rao Bahadur T. Rangachariar :** May I say a word, Sir?

(Cries of 'No, No!')

**The Honourable the President :** Amendment moved :

'That this Assembly recommends to the Governor General in Council that the Government should adhere to its policy as announced to the Legislative Assembly to-day and should as far as possible avoid recourse to any proceedings under exceptional legislation in dealing with the non-co-operation movement.'

(Several Honourable Members rose to their feet.)

**Mr. Harchandrai Vishindas :** I move that the question be now put.

**The Honourable the President :** The question is, that the question be now put.

The motion was adopted.

**The Honourable the President :** The question is, that the amendment be made.

The motion was adopted.

**The Honourable the President :** The question is, that the Resolution, as amended, be adopted.

**Mr. Eardley Norton :** I am sorry to intervene at this late hour but I shall not detain the House for more than a short period.

I wish to dwell upon a point ancillary to a matter to which the Honourable the Home Member made reference, a matter in my opinion of first rate importance. I have nothing to do with the question of non-co-operation. This is not a debate at all. It is a series of one-sided explosions. There are no non-co-operators here. I wish there were to listen to and to defeat. We are all co-operators and we have no one to fight. Of the existence of any repressive measure there has been absolutely no evidence and no proof.

[Mr. Eardley Norton.]

And on the other hand the Honourable the Home Member has given us an assurance to which personally I am quite satisfied he will scrupulously adhere. The question about which I wish to say something, is this. It may be—I do not know, and I trust that I may be wrong—but it may be that in the future, near or distant, in consequence of new activities of the non-co-operators, the Government may have to ask for new penal legislation in order to meet new offences. That is, at any rate in my view, quite possible, and to that no one can have any objection. Force must be repelled by legal force; offences against existing provisions must be repelled by the application of those provisions. But if new offences spring into existence, at present unprovided for, born of ingenuity devising escape from the law, in such an event it is only right that the Government should be armed with such new defences as may be needed. All this everyone must concede. What I do earnestly pray the Government to remember is, that while no one can object to the trial and punishment of offenders either under existing laws or under laws hereafter to be called into being, we do most strongly protest against the application of a procedure which breaks through every canon of fair play and is a standing trespass upon the whole system of British justice. I speak, Sir, from my own personal knowledge. I speak from personal, bitter outraged experience. No reason has been advanced—I believe no reason can be advanced—why in many cases the authorities have had recourse to the Defence of India Act and all that that Act implies in preference to using the ordinary criminal procedure. I would ask for the indulgence of this House, especially of its lay Members while I briefly explain the difference between the ordinary criminal procedure and the procedure of the Defence of India Act. Under the ordinary criminal procedure, the accused person who is taken up before a magistrate in a case which is eventually committed to the Sessions Judge, has the advantage of hearing all the witnesses for the prosecution examined in his presence, of cross-examining them, if he chooses; of having all their statements in written depositions which are subsequently supplied to his Counsel for use in the Court of Session. He has also, if he is convicted by the Sessions Court, the right of appeal to the High Court with its body of trained, independent Judges.

Lastly, the proceedings are in public; a Press, more or less vigilant, watches and reports; the unseen, but not unfelt, force of public opinion acts as a bar, to some extent, to the indulgence of judicial impropriety. That, Sir, is one picture—picture which faithfully portrays the orderly and decent exhibition with which we are familiar and to which we have grown accustomed in an ordinary trial. Now, look at the other picture—the picture of a special tribunal, of its special procedure; its special machinery; its special purpose and its special and violent interference with the long established and well-tested safeguards of the rights of all accused persons. Under the Defence of India Act, every one of these salutary and protective provisions is taken away, and men have been convicted and hanged—I speak from my own experience and of my own first-hand personal knowledge—who for five months had never heard one single word of the statements made by the witnesses in the witness-box as to the offences on which they were being tried. If this is an instance of the application in this country of the great legal principles which obtain, unchallenged, at home and which have been so long and so loyally followed here—all I can say is, God save the mark! Why should accused persons who

are supposed by the law to be innocent until they are proved to be guilty—why should they be subjected to the harassment of this class of special procedure? Why should a man not be entitled under the Defence of India Act to hear the opening speech of the prosecuting counsel, to be told, clearly and definitely, on what the Crown relies, what evidence it intends to produce? Why is he to be deprived of the statements already taken from those whom it is intended to call? How can cross-examination for the defence be effective when no one but the counsel for the Crown and the Judges who are supplied with the statements withheld from the accused know what the witnesses have said or are going to say? The ordinary law sanctions, nay enforces, this elementary principle in favour of all accused. The Defence of India Act suppresses all that can help the accused in order to arm the prosecution and the Judge against him at his expense and to his cost. In the Police Court all this is every day law. Under the Defence of India Act not one single word in writing is given to the accused. He does not know from day to day, from hour to hour what the next witness is going to say or what he has already said before the Police. No materials are furnished him.

Over a hundred accused were deprived of all these safeguards in the Katarpur Riot case. Finally, instead of having the right of subsequent appeal to a Court of Law where the Government have not already selected the Judges, where the Judges sit in the open light of day and in the hearing of the public, the Katarpur Commissioners sat in secret conclave, within the walls of a prison from which the public was excluded; where admission was by ticket; where counsel could not secure approach to their clients while the accused were herded like cattle in a pen; where the reports to the newspapers were censored. I quote this case as an instance, and a bad one, of the abuse of an Act and a grave and knowing violation of every principle which has made British justice respected, trusted and admired through the civilised world. But this case is not the only one. There are many of similar complexion. The procedure I have described has obtained in India for some years past. It is a procedure which by its introduction and toleration has cast a slur upon the administration of justice in this land. It has existed and still exists to-day to the shame of the Government. It has led and is still leading to profound distrust in the good faith of England. It augments daily and, I am constrained to say justly, the volume of enlarging discontent. I have protested against this elsewhere and in vain. I protest to-night in the presence and hearing of this Assembly amongst whose Members there are many lawyers with experiences similar to my own.

I ask them to make it their business to protect men from the operation of laws such as this disgraceful and indefensible Act. There is no reason whatever in justice or in expediency why a man who is tried under the ordinary procedure should enjoy a benefit of what his brother is deprived under another Act. Under the circumstances I have described—and they are but a small item in a lengthy catalogue—can Honourable Members of this House wonder at the existence of discontent and dissatisfaction, grave and deep and growing and abiding; of discontent and dissatisfaction to which I, as an Englishman and an honest man can render no honest answer; discontent and dissatisfaction against procedure which humiliates counsel, cancels the centuries old protection which the genius of the English law insists shall be afforded all persons accused of an offence, and promises to destroy the last shred of trust and confidence still extant in the good faith of Great Britain. Nothing can justify the use to which the Defence of India Act has

[Mr. Eardley Norton.]

been illegitimately extended. The Katarpur case may have fallen textually within the four corners of that Act. Spiritually it was a gross and unpardonable application of a measure to facts which that measure was never intended to embrace. I have, as already conceded, no objection to legislation in the sense that Government may be compelled to frame special laws to meet especial emergencies. But I deny that the Government is justified in altering the procedure, in sweeping away all barriers to conviction, in denuding men of their weapons of self-defence in a British Court of Law.

I do pray the Government as Englishmen and English gentlemen responsible for the administration of justice in the sense of which they and I are alike so proud, not to betray accused persons hereafter, not hereafter to fling them bound hand and foot to tribunals on which they pack their own Judges whom they commission lawyers to address who offer no opening and who withhold from the defence the statements of the witnesses they propose to call. A trial stripped of all the armour provided by law for the accused is worse than a farce. It is a crime, and a crime not merely against the person of the accused but against the person of that justice which all Englishmen and all men living under the British flag so justly vaunt.

I know as a fact of my own personal experience—though I know also that the Government attaches little weight to the opinion of a non-official Barrister—that the discontent in this connection is deep-seated, ominous and justified. I ask the Government to abolish this hateful procedure. I ask them to return to the canons of British notions of evenhanded justice and fairplay. The procedure I denounce is the child of their rearing. Let them hereafter disown it. How for so long a time a Government of English gentlemen could have tolerated such a departure from all that is good and right and true in law, is and always will be with me a matter for melancholy surmise. It is because you, the Members of the Government are Englishmen and English gentlemen that I appeal to you to remove from the Statute Book an Act which is a blot upon your own characters and reputations; a slur upon the fair fame of Great Britain; a fruitful source of increasing hate and mistrust of our country and ourselves and an unpardonable and shameless robbery of the rights of every accused person to clear himself from the machinations of unscrupulous policemen and their twin brothers, unconscionable approvers.

**Babu K. C. Neogy :** Before this Assembly records its approval of the policy of the Government as enunciated by the Honourable the Home Member to-day, I desire to say a few words. I do not think that the tone of the Honourable the Home Member's speech to-day is quite in accord with the note underlying the speech that was delivered by His Excellency the Viceroy at the Calcutta Club only the other day, that is, on the 23rd February last. His Excellency said :

'We are not the only country which is subject to unrest at the present moment. Indeed, look where you like all over the world, unrest is almost the order of the day. But you may naturally ask, granted that it is so, what is our policy with regard to the present situation . . . Now as to our policy with regard to non-co-operation movement, the reforms and the reformed Councils are the keynote of our policy. Indians now share responsibility with the Government, and therefore Government may well claim from Indians help in combating this agitation. Non-co-operation is spread by propaganda. It behoves us then, British and Indians, to counteract it by propaganda. Non-co-operation takes hold of grievances where they may exist, . . . and it behoves us so far as in us lies to remedy these grievances.'

Then His Excellency referred to the failure of the movement with regard to schools and went on to say :

‘ Non-co-operation succeeded temporarily in inducing emotional boys, to leave their schools and colleges, but here again as soon as the emotional ebullition had passed the students have returned in large numbers to their class rooms. We have thus every reason to take heart with regard to the success of the policy which we have adopted. But the non-co-operators having failed with the classes, especially the educated classe, are now devoting their attention to the masses. Here again we must endeavour by co-ordinated effort to teach the masses aright.’

His Excellency thereafter proceeded to say :

‘ But a moment may come when our policy fails and when the two alternatives of order on the one hand or anarchy on the other alone face us. In such an event there can be only one course for the Government to pursue and that is to uphold the cause of order.’

Now, Sir, you will observe that this speech was delivered a month later than the instructions to Local Governments which were read out this evening by the Home Member as embodying the Government policy.

His Excellency said that the policy of Government was to counteract propaganda by propaganda, to teach the masses right and to remedy the grievances which non-co-operation takes hold of. Can it be said that this policy has been given a sufficient trial, and that it has failed? It has been said that whatever action is taken, will be taken under the ordinary law. We are thankful for this assurance, but the ordinary law itself is quite liable to grave abuse unless used with caution. I am reminded of a recent order under section 144 of the Criminal Procedure Code passed by the executive authorities at Mymensingh in Bengal against Mr. C. R. Das and some prominent public men of the district. The order had to be withdrawn only a few days later when it had done great mischief by embittering public feeling. I submit, Sir, that Government should not put section 144 of the Code in motion without the most serious consideration.

Lord Reading is coming here with an open mind, and has made an appeal to all not to prejudge him. I feel the appeal is addressed not only to non-officials but to officials as well. And I strongly urge Government not to do anything which may prejudice the mission of reconciliation on which Lord Reading is coming to this country.

**Mr. N. M. Joshi :** I move that the question be now put.

**The Honourable the President :** The question is, that the following Resolution be adopted :

‘ That this Assembly recommends to the Governor General in Council that Government should adhere to its policy as announced to the Assembly to-day and should, as far as possible, avoid recourse to any proceedings under exceptional legislation in dealing with the non-co-operation movement.’

The Resolution was adopted.

#### THE CIVIL MARRIAGE (AMENDMENT) BILL.

**Dr. H. S. Gour :** Sir, at this late hour I shall simply ask this House to give me leave to introduce this Bill to amend Act III of 1872, and, if you will permit me, Sir, I shall give my reasons to-morrow, unless the House is prepared to sit for about half an hour longer.

**The Honourable the President :** The question is :

‘ That leave be given to introduce a Bill further to amend Act III of 1872.’

**Munshi Mahadeo Prasad:** I beg to oppose this motion of my friend, Dr. Gour and have to submit my reasons for the same.

**The Honourable the President:** Does the Honourable Member wish to divide the House? I think, in view of the abstinence of Dr. Gour, the Honourable Member might follow his good example.

**Munshi Mahadeo Prasad:** Yes, Sir, I do mean to divide the House.

**The Honourable the President:** The question is :

'That leave be given to introduce a Bill further to amend Act III of 1872.'

AYES - 32.

Afsar-ul-Mulk Akram Husain, Prince.

Ahmed, Mr. Zahir-ud-Din.

Aiyer, Sir Sivaswamy.

Bagde, Mr. K. G.

Carter, Sir Frank.

Chaudhuri, Mr. J.

Cotelingam, Mr. J. P.

Currimbhoy, Mr. R.

Das, Babu Braja Sundar.

Dwarkanadas, Mr. J.

Gajjan Singh, Mr.

Ginwala, Mr. P. P.

Gour, Dr. H. S.

Iswar Saran, Mr.

Joshi, Mr. N. M.

Keith, Mr. W. J.

Latthe, Mr. A. B.

Maw, Mr. W. N.

McCarthy, Mr. Frank.

Mitter, Mr. D. K.

Misra, Mr. Piyari Lal.

Muhammad Hussain, Mr. T.

Nag, Mr. Girish Chandra.

Percival, Mr. P. E.

Pickford, Mr. A. D.

Rangachariar, Mr. Tiruvenkata.

Samarthi, Mr. N. M.

Shahab-ud-Din, Chaudhuri.

Spence, Mr. R. A.

Vishindas, Mr. Harchandrai.

Wajid Hussain, Mr.

Watson, Sir Logie Pirie.

NOES—17.

Abul Kasem, Mr.

Agarwala, Lala G. L.

Amjad Ali, Mr.

Bhargava, Mr. J.

Dass, Pandit R. K.

Gulab Singh, Sardar.

Ibrahim Ali Khan, Nawab Muhammad.

Jeejeebhoy, Sir Jamsetjee.

Mahadeo Prasad, Mr.

Mukherjee, Babu J. N.

Nabi Hadi, Mr.

Nand Lal, Dr.

Rajan Baksh Shah, Mukhdum Syed.

Sarfaraz Hussain Khan, Mr.

Sen, Mr. Sarat Chandra.

Singh, Mr. B. P.

Sinha, Babu Adit Prasad.

The motion was adopted.

**Dr. H. S. Gour:** Sir, will this House sit for about thirty minutes more? May I not be permitted to state my reasons . . . . .

(Cries of 'No.' 'No.')

**The Honourable the President:** At this stage the Honourable Member can only introduce the Bill.

**Dr. H. S. Gour:** Yes, Sir. But I want to take advantage of rule 68, that is to say, I shall give reasons for circulating it for the purpose of eliciting public opinion thereon.

**The Honourable the President:** The Honourable Member cannot move one of those motions without giving notice. I would rule it out of order.

**Dr. H. S. Gour:** I introduce the Bill, Sir

**The Honourable the President:** The Assembly meets again to-morrow to deal with the Finance Bill. Owing to lack of time the List of Business for to-morrow has not been circulated; it will not be in the hands of Honourable Members till late to-night. I would ask them to excuse this delay which is due to inevitable circumstances.

The Assembly then adjourned till Thursday, the 24th March 1921.

# LEGISLATIVE ASSEMBLY.

*Thursday, 24th March, 1921.*

The Assembly met in the Assembly Chamber at Eleven of the Clock.  
The Honourable the President was in the Chair.

## QUESTIONS AND ANSWERS.

### MINISTERIAL ESTABLISHMENTS OF ATTACHED OFFICES.

595. **Rai Bahadur Bakshi Sohan Lal**: With reference to questions Nos. 337 and 338 asked by me and the answers given by Mr. S. P. O'Donnell, will Government be pleased to state :

- (a) How it is consistent with the principle laid down in paragraph 3 of the Secretary of State's despatch No. 107, dated the 22nd September 1911, that the ministerial establishments of the attached offices are not given house rent in Simla while those of the Secretariat offices are given this allowance and that while the revised scale of pay sanctioned for the members of the attached offices takes effect from the 1st April 1920, those of the Secretariat offices take effect from the 1st December 1919 ?
- (b) What immediate relief has been granted to the attached offices, and whether it is correct or not that in certain attached offices the immediate relief has been given on the yearly average salary while in others on the salary of a particular month ?
- (c) Whether it is correct or not that prior to the recent revision the minimum pay in attached and Secretariat offices was Rs. 50 and now in the Secretariat offices it is raised to Rs. 100 per mensem and in the attached offices to Rs. 75 only ?
- (d) Whether the qualifications required for recruitment in the attached and Secretariat offices are the same ?
- (e) Whether there is any proposal for consideration before Government to remove the grievances of the ministerial establishment of the attached offices so that the advantage of counting past services given to the Secretariat offices be extended to the establishments of the attached offices ?

**Mr. S. P. O'Donnell**: The information asked for by the Honourable Member is contained in the statement which is laid on the table.

### *Statement.*

(a) The Secretary of State laid down that there should be equality of remuneration for similar labour. This principle has not been departed from. It is not correct to say that no attached offices get Simla house rent allowance. Certain offices get this allowance in Simla, and certain other offices if they move down to Delhi are given a Delhi camp allowance. No offices get both. The Honourable Member's attention is invited to the Simla Allowance Code. The difference in the dates from which the revised scales of pay took effect in the



Secretariat and attached offices was due to the case of the latter having been considered at a later date. The pay of the Secretariat establishment had effect from the first of the month in which the Secretary of State was addressed. In the case of the attached offices retrospective effect was allowed from the 1st day of the financial year in which the proposals were taken up.

(b) Percentage increases of the amounts mentioned below, on the pay drawn at the time of the introduction of the new rates of pay have been given, *viz.* :

30 per cent. to those on pay up to Rs. 100.

25 per cent. to those on more than Rs. 100 but not more than Rs. 200.

20 per cent. to those on more than Rs. 200.

In very special circumstances only, has the above rule been departed from to the extent of permitting the percentages to be counted on the average salary of the year preceding the introduction of the new scales.

(c) The statement is not correct. Under the old scale of pay the minimum pay of some of the attached or subordinate offices was Rs. 50 and in others below this figure, while the minimum pay of the last grade of the Second Division (10th grade) was Rs. 60. Only probationers (or apprentices as they were termed) in the Secretariat received Rs. 50. After the recent revision of pay the probationer's allowance in the Secretariat has been raised from Rs. 50 to Rs. 80 and the minimum pay from Rs. 60 to Rs. 100, while the minimum pay of the clerks in the attached or subordinate offices has been fixed at Rs. 75 a month.

(d) Although the minimum academic qualifications are the same for both the Secretariat and attached offices the best available candidates are recruited for the former.

(e) The answer is in the negative.

#### PUBLICITY BUREAU OF THE GOVERNMENT OF INDIA.

596. **Munshi Iswar Saran** : Will Government be pleased to state if it proposes to consider the question of forming a committee of non-officials to guide and control the work of the Publicity Bureau of the Government of India, and further of advising the formation of similar committees in Provinces where none exist ?

**Mr. S. P. O'Donnell** : Government already have in contemplation the constitution of an advisory board, partly official and partly non-official. Its personnel and functions are under consideration and will be announced in due course. The establishment of non-official committees in the provinces is a matter which rests with Local Governments, but a copy of this question and answer will be forwarded to Local Governments.

#### INTERPELLATIONS IN THE LEGISLATIVE ASSEMBLY AND THE COUNCIL OF STATE.

597. **Rao Bahadur T. Rangachariar** : What is the total number of Interpellations received for the Legislative Assembly and the Council of State, respectively, and how many Interpellations, if any, were disallowed in each case ?

**The Honourable Dr. T. B. Sapru** : Up till the 20th March, 262 questions were received for the Council of State out of which 20 have been

disallowed and 800 questions for the Legislative Assembly out of which 108 have been disallowed.

**RESOLUTIONS IN THE LEGISLATIVE ASSEMBLY AND THE COUNCIL OF STATE.**

598. **Rao Bahadur T. Rangachariar :** (a) What is the total number of Resolutions of which notice was given by :

(i) Official Members of the Legislative Assembly and the Council of State, respectively,

(ii) Non-official Members of the Assembly and Council of State, respectively ?

(b) What is the total number of Resolutions, if any, disallowed under each of the heads in (a) ?

(c) What is the total number of Resolutions :

(i) discussed, and

(ii) not reached during the current Session in the Assembly and Council of State, respectively ?

**The Honourable Dr. T. B. Sapru :** (a)(i) Up till the 20th March, 7 Resolutions were submitted in the Council of State and 8 in the Legislative Assembly by official Members.

(ii) During the same period notices of 56 Resolutions for the Council of State and 138 for the Legislative Assembly were received from non-official Members.

(b) None of the Resolutions under (a)(i) were disallowed; under (a)(ii) 15 Resolutions were disallowed.

(c) I presume that by the words 'not reached' the Honourable Member means the number of Resolutions which have been admitted but which have not as yet been discussed.

(i) 54 Resolutions altogether have been discussed.

(ii) 24 Resolutions for the Council of State and 118 Resolutions for the Legislative Assembly have not as yet been discussed.

**NON-OFFICIAL WORK IN THE NEXT SESSION.**

599. **Rao Bahadur T. Rangachariar :** In arranging the programme for the next Session do the Legislative Department propose so to arrange it as to give more time for non-official work also being expedited ?

**The Honourable Dr. T. B. Sapru :** It is hoped that in future sessions it may be found possible to devote a larger proportion of the time of the Assembly to non-official business.

The attention of the Honourable Member is, however, invited to rule 6 of the Indian Legislative Rules.

**SECRETARIAT OF THE LEAGUE OF NATIONS.**

600. **Mr. S. C. Shahani :** Will Government be pleased to state what contributions are made towards the expenses of the Secretariat of the League of Nations by its Members ?

**The Honourable Dr. T. B. Sapru:** Contributions are made by Members of the League towards the general expenses of the League which include the Secretariat. It is not possible from the papers available to distinguish between contributions for the Secretariat as apart from the League in general. A statement is laid on the table showing the contributions made by the Members of the League of Nations towards the general expenses of the League.

*Contributions made by Members of the League of Nations towards the expenses of the League.*

States.	For the First Fiscal Period, viz., during the organisation period ending 30th June 1920.	During the Second Fiscal Period, viz., 1st July 1920 to 31st December 1920.	TOTAL.
1	2	3	4
	£	£	£
Argentine . . . .	3,247	5,757	9,004
Australia . . . .	16,234	28,786	45,020
Belgium . . . .	9,740	17,272	27,012
Bolivia . . . .	1,948	3,454	5,402
Brazil . . . .	9,740	17,272	27,012
Canada . . . .	16,234	28,786	45,020
Chile . . . .	3,247	5,757	9,004
China . . . .	...	28,786	28,786
Colombia . . . .	3,247	5,757	9,004
Cuba . . . .	1,948	3,454	5,402
Czecho-Slovakia . .	6,494	17,272	23,766
Denmark . . . .	6,494	11,514	18,008
Ecuador . . . .	1,948	...	1,948
France . . . .	16,234	28,786	45,020
Great Britain . . .	16,234	28,786	45,020
Greece . . . .	3,247	5,757	9,004
Guatemala . . . .	1,948	3,454	5,402
Haiti . . . .	...	3,454	3,454

States.	For the First Fiscal Period, <i>viz.</i> , during the organisation period ending 30th June 1920.	During the Second Fiscal Period, <i>viz.</i> , 1st July 1920 to 31st December 1920.	TOTAL.
1	2	3	4
	£	£	£
Hedjaz . . . .	648	1,151	1,799
India . . . .	16,234	28,786	45,020
Italy . . . .	16,234	28,786	45,020
Japan . . . .	16,234	28,786	45,020
Liberia . . . .	648	1,151	1,799
Netherlands . . . .	9,740	17,272	27,012
New Zealand . . . .	1,948	3,454	5,402
Norway . . . .	6,494	11,514	18,008
Panama . . . .	1,948	3,454	5,402
Paraguay . . . .	1,948	3,454	5,402
Persia . . . .	1,948	3,454	5,402
Peru . . . .	3,247	5,757	9,004
Poland . . . .	16,234	28,786	45,020
Portugal . . . .	6,494	11,514	18,008
Roumania . . . .	9,740	17,272	27,012
Salvador . . . .	1,948	3,454	5,402
Serb-Croat Slovene State . . . .	6,494	11,514	18,008
Siam . . . .	1,948	3,454	5,402
South Africa . . . .	16,234	28,786	45,020
Sweden . . . .	9,740	17,272	27,012
Spain . . . .	12,988	23,029	36,017
Switzerland . . . .	9,740	17,272	27,012
Uruguay . . . .	1,948	3,454	5,402
Venezuela . . . .	1,948	3,454	5,402

## GYMKHANA CLUB IN RAISINA.

601. **Babu K. C. Neogy** : (a) Will Government be pleased to state whether it is a fact that a branch of the Gymkhana Club has been opened in one of the class I officers' bungalows in Raisina ; if so, what are the terms on which the use of the bungalow has been lent to the club ?

(b) What is the assessed rent of the building according to the regulations of the Public Works Department ?

(c) Have Government assisted the club in any other way besides letting out the bungalow to it ?

(d) How many Indian gazetted officers living in Raisina are members of the club ?

**Colonel Sir S. D'A. Crookshank** : (a)<sup>a</sup> A branch of the Imperial Delhi Gymkhana Club has been opened as a tentative measure in a class I officers' bungalow at Raisina which was standing empty. The terms are not yet settled. The club is addressing the Government of India in the matter.

(b) The accounts of such residences have not yet been finally closed as all the work contemplated on them has not yet been completed, but the rent for similar houses has been fixed provisionally at Rs. 200 per month exclusive of rent for furniture and sanitary and electrical installations. Meanwhile, the club is liable for the full rental value of the house, namely, Rs. 200 per month, *plus* the rent of the sanitary and electrical installations and the charges for current and water actually consumed.

(c) No further assistance has been given to this branch of the club.

(d) The club has only just been started and Government are unaware of the number of members of the club, Indian or European. They understand, however, that Indians and Europeans are equally eligible for membership as the intention is that the club will eventually be a Sports Club on the lines of the Willingdon Club at Bombay.

## ASSISTANT SECRETARIES TO THE GOVERNMENT OF INDIA.

602. **Babu K. C. Neogy** : (a) Will Government be pleased to state what rates of pay are at present drawn by the Assistant Secretaries to the Government of India in the various Departments, including the Military Finance Branch of the Finance Department ?

(b) When were these rates fixed, and what were the rates sanctioned for these appointments at the time of the last revision ?

(c) Is it a fact that, while the rates of pay of all Secretariat officers recruited from the various services has been considerably improved as a consequence of the general revision of the pay of those services, the pay of Assistant Secretaries not belonging to any of these services has been reduced recently ?

(d) Is there any difference in the nature of the duties and responsibilities devolving on the various Assistant Secretaries ? If not, what is the justification for making such a difference in the rates of salary drawn by the different Assistant Secretaries ?

**Mr. S. P. O'Donnell:** The information asked for by the Honourable Member is contained in the statement which is laid on the table.

*Statement.*

(a) and (b). A new scale of pay for Assistant Secretaries (including Assistant Financial Advisers) in the Departments of the Government of India (except in the Foreign and Political Department) was fixed in November last. Those who belong to definite services receive a duty allowance of Rs. 250 a month in addition to their grade or time scale pay in the regular line; others receive an incremental salary of Rs. 1,000—50—1,250 a month. The previous rates drawn by Assistant Secretaries in Departments where such officers were employed are as follows:

*Army Department—*

- (1) For a civilian not belonging to any service—Rs. 1,000 a month (*plus* a duty allowance of Rs. 250).
- (2) For a Military officer—pay of rank *plus* staff pay of Rs. 500 a month.

*Department of Commerce—*

For all officers—Rs. 1,000 a month.

*Finance Department—*

- (1) For an officer not belonging to the General List of the Indian Finance (now Audit) Department—Rs. 750—50—1,000 a month.
- (2) For officers belonging to that list—Time scale pay in the regular line *plus* a remunerative local allowance of Rs. 250 a month.

*Public Works Department—*

For all officers—Rs. 800—50—1,000 a month.

*Department of Education—*

There were posts of Assistant Secretaries in this Department.

(a) In the case of the first post—

- (1) For an Indian Civil Service officer—Rs. 1,300 a month.
- (2) For a non-Indian Civil Service officer—Rs. 1,000—50—1,300 a month.

(b) In the case of the second post—

- (1) For an Educational officer—grade pay *plus* a duty allowance of Rs. 250 a month.
- (2) For a non-Educational officer—Rs. 750—50—1,000 a month. At present there is only one Assistant Secretary in the Education Department.

*Department of Industries (formerly Board of Industries and Munitions)—*

For all officers—Rs. 1,000 a month.

*Railway Department (Railway Board)—*

Assistant Secretaries in this Department are recruited only from the Railway and Audit Services and formerly drew their departmental pay *plus* a duty allowance of Rs. 200 a month.

*Military Finance Department—*

Assistant Financial Advisers, whether recruited from a regular service or not, drew an incremental scale of Rs. 1,000—50—1,300 a month.

The post of Assistant Secretary in the Foreign and Political Department Secretariat is borne on the Political Department of the Government of India and is classified as a superior appointment. This officer draws his time scale pay in the regular line *plus* a duty allowance of Rs. 150 a month, subject to a maximum salary of Rs. 1,600 a month.

(c) In the Education and Military Finance Departments the maximum pay for an Assistant Secretary not belonging to a regular service has been reduced from Rs. 1,300 to Rs. 1,250 a month, to bring these posts into line with similar appointments in other Departments. Any permanent incumbent already in receipt of the old scale of pay is of course protected. The new scale is considered adequate to attract suitable officers in all Departments. In other Departments, as will be seen from the facts above stated, the present rate of pay is more favourable than the old.

(d) The post of Assistant Secretary in the Foreign and Political Department is classified as a superior appointment, and in the Railway and Finance Departments the work is of a technical character requiring officers with special technical knowledge. Otherwise there is no material difference in the duties and responsibilities of the Assistant Secretaries employed in various Departments. In view of the facts already stated, the second part of this question does not arise.

INDIAN OFFICERS IN CERTAIN SERVICES.

603. **Mr. A. B. Latthe :** (a) Is it a fact :

- (i) That there are no 'Indian officers or other ranks' in charge of machine-guns.
- (ii) That there is not a single Indian in the Royal Air Force.
- (iii) That there are 1,287 British officers and other ranks in the Coast Defence Service while there are only 368 Indian officers and other ranks in the same service.
- (iv) That there is not a single Indian in the Armoured Motor Companies.
- (v) That there are only 3,182 Indian 'other ranks' (with no Indian officers) in the Army Signal Service while there are 154 British officers and 2,048 British other ranks in the same ?

(b) What steps has Government taken to introduce, or get introduced, a larger number of Indians in those services ?

**Sir Godfrey Fell :** (i) This statement is incorrect. In every Indian Cavalry regiment and in every active Indian Infantry Battalion, an Indian officer will be in command of the Machine Gun Troops or Platoon, and the personnel will be entirely Indian.

(ii) At present the Royal Air Force is a British service, like the Royal Navy. Recruiting for it is entirely in the hands of the Air Ministry. Considerable numbers of Indians are, however, employed in the Royal Air Force in India as mechanics.

(iii) The question of coast defences is under consideration. At present Companies of the Royal Garrison Artillery like batteries of Royal Horse Artillery and Royal Field Artillery are British service units.

(iv) The Armoured Motor Companies are a portion of the Tank Corps which is at present an entirely British Corps.

(v) This is a highly technical service. There is no reason why, in future, this service should not contain a larger proportion of Indians, if they are willing to serve in it. At present, however, the Indian telegraph operator in civil life earns higher pay than the British soldier in the Signal Company.

(vi) Three of the services referred to are purely British organisations recruited by the Air Ministry or the War Office, and the Government of India have no control over them. There is no differentiation between British and Indian units as regards Machine guns. As regards the Signal service, the average Indian soldier has not at present the education or the technical skill to fit him for employment in this highly technical service.

#### MESSAGE FROM THE COUNCIL OF STATE.

**The Honourable the President:** I have received a Message from the Secretary to the Council of State:—

‘I am directed to inform you that the Bill further to amend the Indian Tariff Act, 1894, the Indian Post Office Act, 1898, the Indian Income-tax Act, 1918, and the Super-tax Act, 1920, and to amend the Freight (Railway and Inland Steam-vessel) Tax Act, 1917, which was passed by the Legislative Assembly at its meeting of the 19th March, was passed by the Council of State at its meeting of the 23rd March, with the amendments indicated in the attached statement.

‘The Council of State requests the concurrence of the Legislative Assembly in the amendments.

(Sd.) H. MONCRIEFF SMITH,

*Secretary to the Council of State.*

The Secretary will lay a copy on the table.

#### THE INDIAN FINANCE BILL.

**The Secretary to the Assembly:** Sir, with reference to the Message which you have just read to the Assembly and in pursuance of rule 33 of the Indian Legislative Rules, I now lay on the table the Indian Finance Bill as amended by the Council of State.

**The Honourable Mr. W. M. Hailey:** Sir, I beg to move that, with your special permission, under rule 34 of the Indian Legislative Rules, the amendments made by the Council of State in the Finance Bill be taken into consideration.

**Sir P. S. Sivaswamy Aiyer:** Sir, I wish to ask for two pieces of information from the Honourable the Finance Minister. The first point on which I desire information is, what is the amount of revenue expected by raising the postage on letters from 6 pies to 9 pies?—Page 14, Schedule III.



[Sir P. S. Sivaswamy Aiyer.]

The second point on which I desire information is in regard to Schedule IV, page 15. What is the amount of deficiency in the revenue that will be caused by reducing the surcharge upon traffic by inland steam vessels from  $2\frac{1}{4}$  annas to  $1\frac{1}{4}$  anna?

**Rao Bahadur T. Rangachariar :** May I also ask whether in reducing the surcharge to  $1\frac{1}{4}$  anna, it is the intention of Government to increase the freight on these Steamship Companies?

**Mr. Harchandrai Vishindas :** I have also to ask a question. Will the Honourable the Finance Minister kindly enlighten us as to what is the result of the Council of State's amendments as compared to our Resolutions, on the whole?

**The Honourable Mr. W. M. Hailey :** Sir, with your permission, I will give replies at once to these questions.

The first question asked was by Sir Sivaswamy Aiyer. He asked what was the effect of raising to nine pies the rate on letters. The result of this, Sir, will be a gain of 60 lakhs, but I can explain the matter best, I think, by saying that the net result of the postal arrangements now proposed in the amendments of the Council of State will be that we are 18 lakhs to the good over our Budget expectations, after, of course, allowing for post-cards, on postage alone. If that point is not perfectly clear, I should be quite willing to elucidate it further; but, taking it shortly, as the amendments of the Council of State stand, we are now 18 lakhs to the good on postage. As the original Bill passed by the Legislative Assembly stood, we were 48 lakhs to the good. Therefore our 48 lakhs on postage has been reduced to 18 lakhs, and I think, that is the clearest way in which I can describe the difference.

Then, Sir, as regards the second question of Sir Sivaswamy Aiyer, he referred, I think, to the question of proposed halving of the freight tax as applied to Inland Steamship Companies. The effect of that, this halving, Sir, is that we lose from  $12\frac{1}{4}$  to 15 lakhs.

Mr. Rangachariar's question, I think, was the same as the second question put by Sir Sivaswamy. If not, perhaps he will tell me.

**Rao Bahadur T. Rangachariar :** No. My question was different. If the surcharge is reduced, is the freight going to be increased? What is to become of the  $1\frac{1}{4}$  anna which you have reduced?

**The Honourable Mr. W. M. Hailey :** I can explain that. The  $1\frac{1}{4}$  anna we have reduced is a provision made in order to allow the Steamship Companies to increase their freights in order to meet their increased working charges. There will of course be no question of refund or anything of that kind. We simply, instead of taking  $2\frac{1}{4}$  annas on their freight, take  $1\frac{1}{4}$  anna, and the remaining  $1\frac{1}{4}$  anna is intended to be allowed to them in order to raise their freights with a view to meeting the increased working charges.

Mr. Vishindas put a question. Perhaps he would not mind repeating it as I did not take it down.

**Mr. Harchandrai Vishindas :** On the whole, what is the net result of the amendments of the Council of State as compared to our proposals financially, loss or gain, and how much?

**The Honourable Mr. W. M. Hailey :** The exact result will be, Sir, that on the Postal arrangements we shall be, as I have said before, 18 lakhs to the good. With regard to steamships, we are 15 lakhs down. We are therefore still 3 lakhs to the good.

**Mr. Harchandrai Vishindas :** But there are some other amendments also.

**The Honourable Mr. W. M. Hailey :** They are immaterial. They run to thousands of rupees and not lakhs. I think you may take it for granted that they are such that we can put them on one side for the purpose of our Budget calculations.

**Mr. Harchandrai Vishindas :** Sir, I don't know whether the Honourable the Finance Minister could reply to a question of this nature. He may not be able to reply. Supposing we were to reduce the postal rate from 9 pies to 6 pies per tola, taking all other suggestions of the Council of State as they are, what would be the difference? Perhaps the Honourable Mr. Hailey will answer that if the information is available.

**The Honourable Mr. W. M. Hailey :** If we did that, Sir, we should on the postal arrangements be minus Rs. 42 lakhs and on the steamship arrangements Rs. 15 lakhs. Rs. 57 lakhs on the whole.

**Mr. T. V. Seshagiri Ayyar :** May I rise to a point of order, Sir? As regards the postal rates, the  $\frac{1}{2}$  anna rate having been once disallowed by this Assembly, is it in order, now that the Bill has come back amended, for us to reopen the question and go back to the  $\frac{1}{2}$  anna rate? After the Finance Bill was discussed, the  $\frac{1}{2}$  anna rate was disallowed by a majority of the Assembly. The Bill went to the Council of State. The Council of State have made certain amendments in regard to postage rates. Is it open to us now to move that the rate which was disallowed by a majority of this House should be reintroduced?

**The Honourable the President :** Does the Honourable Member mean whether it would be possible under the rules to allow Members to raise a question which has already been discussed and voted upon here?

It would lead to considerable inconvenience if that rule were to be applied too strictly. I would point out to the Honourable Member that the position in which we are in relation to the amendments which have been sent down from the Council of State is that we should open rather a long process unless we can agree to the amendments as on the paper. On the particular point he raises, I should not like to give a final ruling at this moment; if he will raise it a little later, I will tell him what is the case.

**Mr. B. Venkatapatiraju :** The previous discussion was only with reference to half-an-anna for half-a-tola; the present question relates to half-an-anna for one tola, therefore no previous Resolution stands in our way.

Moreover, may I be permitted to point out, we have under 42. Petroleum, the words, 'intended for use exclusively as fuel'; supposing we add after the word 'fuel', 'or for lighting purposes' what would be the loss?

**The Honourable Mr. W. M. Hailey :** I am afraid I did not catch that, Sir.

**Mr. B. Venkatapatiraju :** It was suggested to reduce the tax *ad valorem* with reference to kerosene oil used exclusively as fuel. If we add 'or for lighting purposes', what would be the loss?

**Mr. C. A. Innes:** I might explain, Sir, with reference to this amendment. In 1910, when we introduced a tax of 1 anna 6 pies on mineral oils, it was decided that certain classes of very high flash point oils used for particular purposes, namely, for batching of jute, for lubricating purposes and high flash point oil used exclusively for fuel, or for sanitary or hygienic purposes, should be given a concession. It was decided that oils of this class, instead of being taxed at 1 anna 6 pies, should be taxed at  $7\frac{1}{2}$  per cent. *ad valorem*. Now the House will remember that we have raised the general *ad valorem* rate from  $7\frac{1}{2}$  per cent. to 11 per cent. Owing to this fact and owing to the rise in the value of some oils of these special classes we find that what was intended to be a preference in favour of these particular classes of oils has now become a handicap against them. It was an omission on our part which we regret we did not notice, for whereas we have always intended to give some concession to these oils, by the fact that we have raised the general *ad valorem* rate from  $7\frac{1}{2}$  per cent. to 11 per cent. we are handicapping these oils.

Then there is another point. Formerly when importers brought in oils of this class, the onus was on them of proving that they were entitled to the preference. Now that we have raised the general *ad valorem* rate to 11 per cent., it means that all lubricating and other high flash point oils which are valued at 14 annas an imperial gallon will not gain by being at 11 per cent. instead of 1 anna 6 pies. Therefore it will suit the importers to apply for the 1 anna 6 pies rate for these oils and the onus will be on the Collector of Customs of proving that these oils are the high flash point oils which should be taxed at 11 per cent. This point has been brought to our notice by the Collector of Customs, and what we have done is merely to restore the existing practice. We have made no change whatever. If you will compare the Bill as it has come down from the Council of State with the Bill as we sent it up to the Council of State, you will see that we have made absolutely no change except that these particular classes of oils are to be assessed at  $7\frac{1}{2}$  per cent. *ad valorem*, which they have always been assessed at. We have made no change of any sort or kind. The effect of that will be that we shall, of course, lose a little revenue—we estimate it may be Rs. 50,000. On the other hand, we shall continue the concession which has been in force now for  $11\frac{1}{2}$  years, and we are simplifying matters for the Collector of Customs. But the point I wish the House to realise is that we are merely continuing the existing practice.

Another point, Sir. This matter was brought to our notice by the Collector of Customs. What we intended to do was to place it before the Select Committee which was then contemplated; but it was decided that there should be no Select Committee and the Bill should be considered by the Assembly as a whole on Friday and Saturday, and I simply had not the time to put it before the House on Friday or Saturday, so we put it before the Council of State. We are making no change at all in the existing practice. We are continuing the preference which is given to these high flash point oils by allowing them to be assessed at  $7\frac{1}{2}$  per cent. *ad valorem* instead of at a specific duty of 1 anna 6 pies.

**Mr. P. P. Ginwala:** Sir, I rise to oppose this motion. Last week we spent a whole morning in debating more or less the same point which I am now raising. On practical grounds, and perhaps as a matter of tactics, the Honourable the Finance Member withdrew his Resolution—which I am certain would have been thrown out by the House—to refer that question to a

Joint Committee. I submit, Sir, that the point involved in to-day's amendments and in that proposition is exactly the same. From the attitude of the House . . . .

**The Honourable the President:** As a matter of order, the Honourable Member is quite wrong. The point in this motion is entirely different from the point in the motion to appoint a Joint Committee. The motion before the House is that the Assembly now take into consideration the Bill as amended by the Council of State.

**Mr. P. P. Ginwala:** I am arguing, Sir, that this House should not take the amendments into consideration at all. That is my point. The point, Sir, is one of principle. If we started on that day with the proposition that the Council of State was not to have any voice in Money Bills, then it follows that they ought to have no voice at all in the matter of making amendments which affect Money Bills. That, I think, is a principle which has never been disputed. The whole question arises as to whether the Council of State has got the power to touch Money Bills. I am not referring at all to what the powers are under the Government of India Act, at all. Assume, Sir,—and I am prepared to assume—that the powers of the Council of State in respect of all Bills are identical with the powers of this House. The question then arises, is this House to permit the Council of State to use those powers which this House considers ought not to be used by the Council of State at all? If once it is admitted that the Lower House is the only House where Money Bills are to be considered and to be passed, it follows, I submit, that no amendments could be made by the other House in connection with Money Bills, and I ask the House, therefore, not to allow this motion.

**The Honourable the President:** Those remarks are not in order on a motion of this kind. When the time comes for the revision of the constitutional powers of the two Chambers under the Government of India Act, the Honourable Member will have ample opportunity of expressing his opinion on that. The course of argument which he is pursuing is out of order on the present motion in view of the fact that all this motion requests the House to do is to take certain amendments into consideration.

**Mr. P. P. Ginwala:** Sir, am I not in order in asking this House to reject the motion on any grounds if it chooses?

**The Honourable the President:** No. Not on *any* grounds, only on relevant grounds!

**Mr. P. P. Ginwala:** Sir, I submit that this question is one of principle: as to whether this House should accept any amendments proposed by the Council of State affecting a Money Bill. Now look at it from this point of view. Even supposing that the Council of State has the power to interfere with a Money Bill, what is the result of the amendments that have now come before us? The Honourable the Finance Member has just explained to the House that in one instance the burden of taxation would be increased by 60 lakhs in connection with the Post Office. Now I put it to the House, is there any precedent in any other Constitution where the other House has the power to increase the financial burden of the people by 60 lakhs? I also submit that if the Council of State has that power, then it is the duty of this House to prevent that body from exercising such power, in the interests of the people.

[Mr. P. P. Ginwala.]

It has been argued that the relative position of this House and the Council of State is not the same constitutionally as that of the House of Commons and the House of Lords. I will put it this way. There is no difference at all between the relative position of our two Houses and of the two Houses of Parliament as it stood prior to the Parliament Act of 1911, but it was recognised that the House of Lords should make no amendments to a Money Bill at all. Therefore, I say that there is no constitutional difference at all between our position and the position of the House of Commons and the House of Lords as it stood in 1911. This House would, therefore, be perfectly justified in not entertaining any amendment whatsoever that came from the other House, especially if they had the effect of increasing the financial burden.

Then, Sir, are we going to do what was done in other countries? Are we going to fight every inch of our ground as regards the constitutional relations of the two Houses, in financial matters? Are we going to have the same struggle in this country as has been witnessed in other countries in relation to Money Bills, or are we going to profit by the experience of other countries and establish from the outset the constitutional practice by which the other House recognises that Money Bills appertain solely to this House and we recognise their equal status with us in respect of other Bills. As a matter of expediency, I should have expected the other House especially in view of the temper of this House on the last occasion to have considered that it would have been better for it not to have tampered with this Money Bill. Sir, even if I am alone I shall oppose these amendments on Money Bills year after year until the principle is recognised that the other House has no voice whatever in the matter of taxation.

I think I have heard it suggested that it would be better if less time were taken up to-day in order that Honourable Members might not be put to the inconvenience of sitting here longer than is necessary. I for one do not think that there is any substance in that ground. The question is, 'are you prepared to sacrifice a constitutional principle, if one is involved, merely on the ground of personal convenience?' I am willing to stay here for one week, one month or even one year if it becomes necessary for me to stay in order that the principle may be established, and, at least, I hope there are some Members amongst us who attach sufficient importance to a principle of this sort, not to be influenced by considerations of a personal nature. I beg the House to look at the points involved purely as a question of principle and to reject this motion as it stands.

**Sir P. S. Sivaswamy Aiyer:** Sir, I do not wish to make a speech but I should like to have a point on which I am not quite clear, explained.

Supposing we proposed that the rates of postage on letters be put back at the current rate of half an anna for weights not exceeding  $2\frac{1}{2}$  tolas and supposing, also, we proposed that the surcharge on traffic by inland steam vessels be at the rate of 2 annas 6 pies for every rupee of freight like the charge upon railway traffic; would the loss arising out of the reduction on the postage rate be made good, and, if it is not likely to be made good, would the loss, such as it is, be a matter of concern? I believe the Honourable Member stated in another place that he would have a balance of something like 40 lakhs at his disposal, and that he would rather like to have it. If the loss arising on the reduction of the postage on letters not exceeding  $2\frac{1}{2}$  tolas is

made good, it will be all right. But if it is not made good, can Government stand the loss? The answer to this question will determine our attitude in regard to the amendments to be put.

**The Honourable Mr. Hailey :** I would ask the Honourable Member if he was correct in saying if he proposed half anna for  $2\frac{1}{2}$  tolas. I suppose he meant half an anna for one tola.

**Sir P. S. Sivaswamy Aiyer :** Half an anna for one tola, I should like the current rate to be maintained.

**Mr. Eardley Norton :** Sir, before the Honourable the Finance Member answers Sir Sivaswamy Aiyer's question, I should like him to answer the question which I will now put. I am very bad at figures, but I may have to vote and I should like to understand the position. I gather the Honourable Finance Member has said that the net result of the amendments made by the Council of State yesterday with regard to the postal rates is, that we are now 18 lakhs to the good; and that the amendments made by the same Council as to goods carried by inland steam vessels would result in a loss of from  $12\frac{1}{2}$  to 15 lakhs and the net result, if these amendments are accepted, will be that we shall be 3 lakhs to the good.

May I request the Honourable Member to inform me what the effect would be if the House restored the surcharge on the freight goods carried by the inland steamship vessels to an equality with the railway freight, and allow the postal rates to remain on the same footing as they have been passed by the Council of State?

**Makhdum Sayed Rajan Bakhsh Shah :\*** Sir, the postcard is mostly used by the poor people, hence postage for a card has not been raised to an anna. What I would submit is, that many poor people also make use of the [half an anna] postage envelope within the (authorised) tola weight. Hence the charge up to a tola should be 2 pice. If this be not agreed to, then I would make the following alternative proposal. That the rate up to 9† *mashas* be 2 pice, three pice for 9† *mashas* to a tola and one anna for one to  $1\frac{1}{2}$  tolas.

†  $\frac{2}{3}$  of a tola.

**Mr. Harchandrai Vishindas :** May I rise to a point of order, Sir?

**The Honourable the President :** I think the Honourable Member had better reserve his remarks till we come to deal with the postal rates. He will then be able to explain the exact schedule which he wishes the House to adopt.

**Chaudhuri Shahab-ud-Din :** May I, Sir, with your permission, ask one question of the Honourable the Finance Member? If the present postal rates were retained in the case of Registered Newspapers.—I mean the rates that are now current—by how much will the revenue suffer as compared with the rates proposed by the Council of State?

**The Honourable Mr. W. M. Hailey :** I will take the last part of Question 1, first, because it is the simplest. There is a difference of Rs. 3 lakhs. That is, we are losing by the amendment of the Council of State Rs. 3 lakhs in respect of newspapers. Now, Sir, with regard to Sir Sivaswamy Aiyer's question, he would like to go back to the half anna rate for one tola. That would mean, Sir, that we shall lose Rs. 42 lakhs. That is, we will then be Rs. 42 lakhs down in the Budget on that alone. I am taking the Budget as the datum line

\* Translation of a speech delivered in the vernacular.

[Mr. W. M. Hailey.]

throughout. Then, if we restore the steamship rates, we get a betterment of Rs. 15 lakhs. That makes Rs. 57 lakhs. Have I made that clear, Sir? I shall repeat what I have said. The restoration of the half anna rate for one tola would put us down Rs. 42 lakhs. The proposals of the Council of State in regard to the Steamship Companies would put us another Rs. 15 lakhs down. If you reject the amendment of the Council of State in regard to the Steamship Companies, you will then remain only Rs. 42 lakhs down. I am asked, Sir, whether it would be possible for us to do without this 42 lakhs. I say I should prefer not to try such an experiment.

**Mr. Eardley Norton :** Will the Honourable Member kindly answer my question? I do not think it has been answered. Leave the amendment of 9 pies for letters made by the Council of State alone. Leave it at 9 pies, and make the inland steam-vessels revert to the position they occupied by our decision on the Revenue Bill. What will be the result?

**The Honourable Mr. W. M. Hailey :** Rs. 3 lakhs up, Sir.

**Dr. H. S. Gour :** What will be the result, Sir, if we resort to a letter postcard of half an anna and the rest of the Government proposals as regards postage stand? How should we then stand financially?

**Mr. C. A. Innes :** May I ask the Honourable Member to repeat his question?

**Mr. Amjad Ali :** May I rise to a point of order, Sir? That is not the point now before the House. The point is to consider the amendments passed by the Council of State.

**The Honourable the President :** Order, order. Questions of this nature are in order at this stage. It is quite true that it would be more in accordance with the letter of our Rules to rule such questions out of order and to insist on their being put on each of the amendments of the Council of State as they are put from the Chair. The spirit of the Rules prompts me otherwise. It is quite clear that the House will not be able to deal effectively with the amendments unless it knows what will be the change in the financial position as a result of the amendments moved by the Council of State. I therefore allow these questions to be asked because with the answers the Assembly will be in a better position to vote on these amendments.

**Mr. H. E. Spry :** Sir, I understand Mr. Norton's question to be this. Assuming that the proposals of the Council of State regarding postage are left intact, but that the surcharge in the case of inland steam-vessels is restored to the full amount proposed by this Assembly, what will be the resulting financial position? I understood the Honourable the Finance Member to say that we shall be Rs. 3 lakhs up. But if I have understood Mr. Norton's question aright, and also the figures given by the Honourable the Finance Member, I suggest that the right answer is, we shall be Rs. 18 lakhs up. I understand that we gain Rs. 18 lakhs by raising the postal rates, *i.e.*, by accepting the Council of State proposals. We lose  $12\frac{1}{2}$  to 15 lakhs by reason of their reduction of the rate of surcharge. The balance resulting from the Council of State's proposals will therefore be *plus* 3 lakhs. But Mr. Norton proposes, if I understood him correctly, that the rate of surcharge passed by this Assembly should be restored. In that case the *minus*  $12\frac{1}{2}$  to 15 lakhs goes out, and we are left with a surplus of Rs. 18 lakhs. I should like to know from the Honourable the Finance Member if this is correct.

**The Honourable Mr. W. M. Hailey:** I am afraid, Sir, that I did not very clearly appreciate Mr. Norton's question. The figures now put to us are correct, Sir. Might I rise, Sir, to make a suggestion? I see the difficulty of the House in dealing with these matters. They want the fullest information possible. If it is in order, Sir, I should like to put forward a proposal that the House now adjourns for a brief period while I answer any questions that Members may desire to ask me with regard to the financial effect of the amendments made in the Council of State. They will then be in a better position to judge of those amendments. At present, Sir, it is necessary for me to give answers somewhat hurriedly; and records of the House will be burdened with a good deal of conversational matter which will not greatly add to their value.

**The Honourable the President:** A motion for an adjournment of the debate is of course in order. The period desired by the Honourable Member carries us to within half an hour or so of the usual noon adjournment. But I take it that he wishes to have an adjournment at once even though we shall have only a short debate on resuming before noon adjournment.

The question is :

‘That this debate be now adjourned for one hour.’

The motion was adopted.

The House then adjourned for One Hour.

The Assembly re-assembled at Ten Minutes Past One of the Clock. The Honourable the President was in the Chair.

**Mr. P. E. Percival:** Sir, I beg to request that you will give your ruling on a question of procedure, which, I think, will be valuable to the House. The question is rather premature; but I think that the Assembly would like to know what exactly they are letting themselves in for if there is a conflict between the two Houses. What I ask is this: If this Assembly makes certain amendments in the Finance Bill, and the amendments go back to the Council of State, and if the Council of State does not agree to the amendments made by this Assembly, would you, Sir, inform the Assembly what would be the practical result, as regards the rapidity with which the Bill can be disposed of, or the delay which will be involved thereby. I imagine, Sir, that a joint sitting could not be held for a period of six months.

**The Honourable the President:** If one of the Chambers fails to pass a Bill passed by the other Chamber, the Governor General may convene a joint sitting for the purpose of solving the deadlock, after the lapse of six months. I find no provision in the rules or Standing Orders which will enable him to exempt the Finance Bill from that proceeding and convene a joint sitting at once. Therefore, in view of the circumstances a joint sitting falls out of consideration altogether. If that is the case and if, as the Honourable Member has put the case, either Chamber fails to agree with the other on the amendments made in the Bill, then the Bill itself either lapses or passes to the Governor General who will take action under his constitutional powers.

Debate will now resume on the original question that the amendments made by the Council of State in the Indian Finance Bill be taken into consideration.

**Mr. J. Chaudhuri:** I have given some anxious thought to this constitutional question and I have come to the conclusion that it is quite competent for the Council of State to amend the Money Bill after it has been considered



[Mr. J. Chaudhuri.]

by this House and sent up to them in due course. I shall briefly state that the practice in the House of Commons has been that no Money Bill may be amended by the House of Lords. It has also been stated by the highest authorities on constitutional questions, such as Lord Courtenay, that the Colonial constitutions were founded on the same analogy. But going into the Colonial constitutions we find that a controversy in respect of Money Bill between the two Houses raged in Victoria from the year 1864 up to the end of the last century . . . .

**The Honourable the President:** I have already ruled that any substantial argument on the constitutional position of the two Chambers will not be permitted in this debate. A question of that sort is of such importance that it must be raised in another fashion. It cannot be brought in by a side wind on such a motion as is now before the Assembly.

**Mr. J. Chaudhuri:** I was only explaining the constitution that has been framed by the Joint Committee in order to avoid conflicts taking place between the two Houses. They have provided that although the Upper House has no power to deal with the Budget or demands for grants, they may deal with a Money Bill in the same way as ordinary Bills. Now they have amended the Bill which has been passed by this House and it has come back before this House and the constitutional principle is, that the voice of the lower House must ultimately prevail. The Joint Committee have provided that in case there is a difference of opinion between the revising Chamber and this Assembly there should be a joint sitting of both Houses and as we, the peoples' representatives, are in a majority in this House our views must ultimately prevail. This was the principle which was enunciated by Sir Michael Hicks Beach with regard to the controversy in the colonies. It was, that the voice of the lower House, *i.e.*, of this Assembly, shall prevail and I presume that the Joint Committee have recommended a joint sitting for the purpose of obviating the difficulties that had arisen in the colonies. So I say, that the procedure adopted now is constitutionally regular and we may accept the amendments of the other House or reject them. The ultimate result remains that if we reject them, in case we cannot come to a settlement which will be satisfactory to both, then it will be for the Governor General to adopt the course provided for in the constitution.

**Sir P. S. Sivaswamy Aiyer:** I should like the House to approach this question from a practical point of view. This is a taxation Bill and we are now nearly at the end of the month of March. We were unable to agree to a joint committee. We considered the Bill here and sent it up to the other House. The other House has made certain amendments and referred the Bill back to us. Now the courses open to us are these. We may accept the Bill as amended by them or we may make certain further amendments and send it up to them. Now I understand that there are many Members who feel dissatisfied with certain of the amendments which have been passed by the other House. Now the question is, what course are we to pursue. I think it will be obvious that the course which we should pursue must be the one which offers the least impediment in the way of the speedy passage of this measure. Now supposing that we send up amendments which are in turn likely to be unacceptable to the other House, that House may insist upon its own amendments or may make further suggestions and send it back. In that case I do not think it will be possible for us to reach an agreement before the end of this month. Then as

regards the further solution of the difficulty, a joint sitting is out of the question as pointed out by the President. A joint sitting being impracticable, there are two courses. We may allow the Bill to lapse, but we cannot do so in the case of a Finance Bill. The other course is to report the matter to the Governor General, but are we prepared, in the very first year of our existence, to make a report to the Governor General that we are unable to settle a matter like this in a manner acceptable to both Houses and that we cannot work the constitution without friction? And is it right that we should ask the Governor General to intervene and exercise his powers of settlement on the ground that it is not possible for us to come to a reasonable settlement ourselves? I for one would strongly deprecate any such course and I should very much like that we should hit upon some other solution which would save the unpleasant necessity of a report of that kind to the Governor General. Then what other course is left to us which may meet the wishes of this House and may not meet with any opposition in the other House? So far as I have been able to ascertain, the point upon which our friends here have been most exercised in their minds is the increase in the postage rate on letters not exceeding one tola to 9 pies. Now, it is felt that the privilege of sending letters for 6 pies which is now enjoyed by the poorest people should not be taken away from them, and that, if possible, it should be continued to them, even though you may reduce the weight of the letter which it is permitted to send for the 6 pies. Supposing you introduce another class for a weight not exceeding half a tola—6 pies, and leave all the rest of the schedule unaltered, I think it will meet the wishes of all the gentlemen who have felt concerned about the increase in the postage rate.

This will involve, we are told, a loss, a deficit of 27 lakhs (Cries of 'No, 20 lakhs') or 20 lakhs, whatever it may be. I do not wish to commit myself to any figures the accuracy of which may be called into question by the Treasury Bench. Now, if possible, we should endeavour to make that good. The only way in which, it seems to me, it can be made good is by interfering with the proposal of the other House to reduce the surcharge on traffic by inland steamers. But I would ask the House not to interfere with it. In the first place, the other House seems to have had some good reasons for reducing the rate of surcharge on traffic carried by inland steam vessels. I do not know whether it is necessary for me to enter upon any lengthy explanation of that matter. At one time I myself thought that it would be better to have a uniform scale of surcharge for both kinds of traffic. The Honourable the Finance Minister, with whom I had a talk a few minutes ago, tells me that our original proposal would work an injustice or hardship to the inland steam-vessels. Now this view which has commended itself to the Honourable the Finance Minister, must have commended itself to the other House also, and that must be the reason why they made this amendment. If we interfere with this amendment and send it back to the Upper House, it is possible they may not be willing to accept our restoration of the original rate, and they may continue to differ from us. That, I think, would land us in an *impasse*. Perhaps the best solution will be to leave the question of surcharge alone at the point where it is in consequence of the action of the Upper House. As regards this loss of 20 lakhs or whatever it may be which arises from the alteration of the postage rates, leave it to the Finance Department to do what they can to meet the deficit by savings elsewhere. I propose this for the consideration of the Honourable the Finance Minister. Now, if we do this and confine ourselves only to this step and do not touch the other

[Sir P. S. Sivaswamy Aiyer.]

things, I do not think that the Upper House will object to this concession which we desire to be made to poor people with regard to letters not exceeding half a tola in weight.

Other proposals have been made in the course of our informal discussions, but I think that they are not likely to commend themselves to the general sense of the House. Various alternative proposals have been put forward. One that I have heard is that the tax on kerosene oil may be raised. I can assure you that it would be a most unpopular tax to add anything to the duty now leviable on kerosene oil. The dealers are sure to increase the price by more than the amount of the tax which will be levied and the use of kerosene oil has so extended to all the rural parts of the country that the addition in price, which will be greater than the addition to the duty, will come home to the poorest of our people.

Another suggestion which has been made is, that we should go back upon our decision to levy only 11 per cent. by way of customs duty and make it 12½ per cent. That again, I think, will not commend itself to the Members of the House generally. There is likely to be a difference of opinion, and none of these solutions can possibly commend themselves to the House generally. Therefore my own feeling is, that if we attempt to interfere with the Bill as amended by the Upper House, our interference should be restricted to introducing a half-anna rate of postage for articles not exceeding half a tola in weight. No doubt there are technical difficulties which are likely to be brought forward by the Postal Department. They will perhaps require scales and weights for weighing half-tola letters and one tola letters, and so on; and having regard to the large number of letters which are transmitted through the post, it is quite possible that there may be a very sensible addition to the burdens of the Post Office. But taking all things together, it seems to me that if we are to interfere at all, that is the only direction in which we can interfere and I would ask the House to approach the question from a practical point of view and see that the Bill is carried through before the session closes.

**Mr. Harchandrai Vishindas :** Sir, while endorsing all that has fallen from Sir Sivaswamy Aiyer, I have only to add a few words. As to the process through which we shall have to go in the event of our disagreeing from the amendments that have been sent forward, as he said, the result will be that the matter will be referred to the Viceroy. In addition to the fact that we shall be thereby sacrificing our dignity a great deal, we shall also be putting the new Viceroy in a very embarrassing position. If it were an old Viceroy who had been here some time it would have been a different matter. But, considering that Lord Reading has been delivering very nice speeches of affection towards India and of being very anxious to do justice and equity and all that, I think we should rather not put him in that position at all, and also not show to the new Viceroy that we are unbusinesslike, that in the very first year of our existence we have brought about a deadlock and *impasse*. That is a very serious consideration.

Then, the only other point I want to make is, with regard to the remarks of Sir Sivaswamy on the Inland Sea Customs Act. Now, it is true that I was one of those who opposed the reduction of that tax as originally proposed in the Budget. And if I also agree with the remarks of Sir Sivaswamy on that head, it might be said that I am guilty of inconsistency.

However, I think we are obliged to be inconsistent to a certain extent in some of the things we are going to sanction to-day. I mean we were very strong on the last occasion upon 1 anna for the first tola and 1 anna for every other tola of postage. That position we are going to recede from, as it were, without the least struggle. On the contrary, we have to get ourselves reconciled to the new tariff that has been proposed by the Council of State, namely, 9 pies for the first tola and 1 anna for a weight exceeding 1 tola but not more than  $2\frac{1}{2}$  tolas. I think we came to the conclusion the other day on the postage in the same frame of mind as on the tax on inland steam vessels. We should not be charged with inconsistency by reason of the attitude we are adopting to-day in either case, and for one very cogent reason. We had to finish the business on that day and when we left the House we sounded public opinion, and public opinion was to the effect that we had committed a mistake in having 1 anna for every additional tola. Likewise, it was said that the case which had been put forward in regard to inland steam vessels was a very strong case and that we did not come to a right conclusion on it. For that reason, and for the reason that Sir Sivaswamy has shown, in order to have no kind of *impasse* or deadlock, and in order to show that in the first year of our existence we are adopting a businesslike attitude, I would entreat the House to accept the proposal made by Sir Sivaswamy Aiyer.

**The Honourable Mr. W. M. Hailey:** If I may say so, Sir, I rejoice that Sir Sivaswamy Aiyer has recalled us to the practical question. It is all to the good that he has refrained from pursuing that controversy on the purely constitutional question which was again revived this morning. There may be some die-hards here who believe that we can, of our own volition, alter a constitution laid down by Parliament. There may be others, Sir, who would like to see that altered in the future; but it is obviously necessary for us to take the constitution as we have received it and work it, as Sir Sivaswamy Aiyer said, with the least possible exhibition of friction at its very initiation. The immediate problem before us is to consider the steps that we should take in order to get our Finance Bill through in some form or other without further delay, and I follow him in believing that if the House were to make any substantial additions or subtractions in the case as sent by the other Chamber, then, there would be very serious risk of delay indeed; the alternatives which the rules provide for the solution of any such difficulty of that nature have been already pointed out and are so undesirable that I need not dilate on them here.

Now, Sir, what Sir Sivaswamy has proposed to us is that we should accept a change in one item only, one item which, he thinks, would be acceptable to the other Chamber, namely, half an anna for a half tola letter. As he says, that would cost us Rs. 20 lakhs as against the sum we expect to realise from the Bill in the form it has come down to us. Now, whatever happens, this House cannot escape some charge of inconsistency. The House will remember that on a previous occasion it deliberately voted against the half anna half tola letter. I do not of course take the unreasonable view that this House should not, when it finds that it is in error, change its opinion just as any other person or any other assembly, collection of persons, might do. But we ourselves, on the Government side, value our reputation for consistency: other people sometimes call it obstinacy, but we like to maintain to think of it as consistency. I am not therefore going to pretend here, just as I was unable to pretend in the other Chamber, that the half tola half anna letter is the right solution of

[Mr. W. M. Hailey.]

our postage difficulty. I thoroughly believe that for administrative purposes—and when I say for administrative purposes I mean really the convenience of the public—it is entirely the wrong solution. I argued against it before; my friend Mr. Innes argued against it; I argued against it again yesterday, and with success, in another place; and I am prepared once more to argue against it here also. I am not going to, and my friends here equally with me will not abate one jot or tittle of the objections what we believe to be a retrograde step, the resort to the half tola half anna postage. On the other hand, the House very obviously wishes to see it reintroduced.

How are we to meet this situation? Like Sir Sivaswamy Aiyer, I want to get this Bill through, and I want to get it through in the only way in which I think it can be got through, and that is without alterations of any kind whatever. I do not propose, consequently, that we should introduce an amendment, as suggested by Sir Sivaswamy Aiyer, providing specifically for half tola half anna, I propose to ask the House to pass this Bill exactly in the form that it has come down to it from the other Chamber; but I propose to state at the same time that, in view of the fact that the rates are maximum rates provided in the Act, Government, in order to meet the objections now felt by this House—I think inconsistently, but still felt, and felt strongly by the House—should, under executive order, introduce the half tola half anna postage.

The House has shown itself willing to show consideration to the new Viceroy; the House is willing to change its former attitude on the subject in consideration of the feelings of the public; in short, the House is unwilling to go back to its constituencies and confess that it has taken away from the ordinary man the half anna half tola postage. The one person who receives no consideration at all in this matter is the Finance Member. By accepting this proposal we shall be Rs. 20 lakhs down on the figure we expected to realise.

Well, Sir, if the House accepts this solution, then, I must retain the right to come to it subsequently and ask it to make up the loss in some other way. We are dealing with a matter of figures; and if the provision made now proves in the course of the year to be insufficient, I must come back to the House and rely on it finding some other way to make up the loss involved. Meanwhile, I propose to accept that loss in order that we may enable the House to go back to the country without having to meet the charge that it has deprived people of the half anna letter. I said that we should have no amendment, but my friends warn me that it would be simply to omit from the Act the words—‘for a weight not exceeding 1 tola, 9 pies’ we on our part undertaking to give the country a half tola half anna postage.

**Mr. T. V. Seshagiri Ayyar:** Sir, not only this Assembly, but I believe the whole country will receive with feelings of joy the announcement which the Honourable the Finance Member has made. I would not put it down to inconsistency; I would say that he has respected public opinion. It is not that he has gone back on anything that he has said, but simply has found it necessary to respect the opinion which has grown up in this Assembly, and also the considerable volume of opinion which has grown, since the last session, in the country outside.

Sir, one word of explanation is necessary as regards the question of inland steam navigation companies. On the last occasion we were of opinion that the Government did not crystallise its offer and when they informally offered us, it

was, as a matter of fact, not accepted by Mr. Pickford. This Assembly was of opinion that we had no option but to insist upon accepting what the Government had resolved upon. If Mr. Pickford had accepted the offer made by the Government, we would probably have been in a position to vote with him. Therefore we are not really acting inconsistently in accepting the amendments of the Council of State, and, as has been pointed out by Sir Sivaswamy Aiyer and the Honourable Mr. Hailey, it is absolutely necessary that there should be no deadlock in a matter like this. In these circumstances I would advise the Assembly—and I think it is my duty to tell this to my friends,—that we must accept the offer now made by the Honourable the Finance Member to avoid friction.

**Mr. N. M. Samarth:** Sir, it is gratifying to me to find that the opinion of this Assembly has crystallised against creating a deadlock. Honourable Members of this Assembly will probably remember that when I, in the early days of this session, introduced a motion upon another subject, the Honourable the Finance Member told this Assembly that it had indirect powers to bring the Government to book if its policy is not acceptable to the House and asked this Assembly to make use of those powers rather than accept the Resolution I had brought forward. I said then that I would be the last person to favour a course which would lead to a deadlock,—a remedy which was distasteful to me. Therefore, it is very gratifying to me indeed to see that the Honourable the Finance Member has thought fit to appeal to the House not to cause any friction or to bring about a deadlock in the matter of his Finance Bill.

**Mr. J. P. Cotelingam:** Sir, in the pronouncement made by the Honourable the Finance Member, though the great disparity in the postal rates between the weight allowed for 9 pies and that allowed for one anna has not been removed, I hope the undertaking given by him will be received cordially by the House. I am glad the desire expressed, not only in this House but throughout the country, has to some extent been met by the Honourable the Finance Member. To follow the line of least resistance, I welcome the executive action suggested though I would like to see the half anna postage for one tola retained.

**The Honourable the President:** The question is:

‘That the Finance Bill be taken into consideration.’

The motion was adopted.

**The Honourable the President:** The following are the amendments:

‘1. At the beginning of sub-clause (1) of clause 2 the words ‘with effect from the first day of March, 1921’ have been inserted, and at the end of that sub-clause the words ‘and such substituted Schedule shall take effect from the first day of March 1921’ have been omitted.’

The amendment was adopted.

**The Honourable the President:**

‘2. For clause 4 of the Bill the following clause has been substituted, namely:

‘4. With effect from the first day of April, 1921, for the first Schedule to the Freight (Railway and Inland Steam-vessel) Tax Act, 1917, the Schedule contained in the fourth Schedule to this Act shall be substituted.’

The amendment was adopted.

### The Honourable the President :

' 3. In item 5 of the Schedule to be substituted in the Indian Tariff Act, 1894, after the words 'Pearls unset' the words 'and imported unpierced' have been added.'

The amendment was adopted.

### The Honourable the President :

' 4. For item 41 the following items have been substituted, namely :

<p>' 41. PETROLEUM, including also naphtha and the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosine, paraffin oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine and any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum, but excluding the classes of petroleum included in No. 42.</p>	<p>Imperial One anna gallon, and six pies.</p>
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NOTE.—Motor spirit is liable to an additional duty of six annas per gallon under Act II of 1917, as amended by Act III of 1919.

<p>' 42. PETROLEUM, which has its flashing point at or above two hundred degrees of Fahrenheit's thermometer, and is proved to the satisfaction of the Collector of Customs to be intended for use exclusively for the batching of jute or other fibre, or for lubricating purposes, and petroleum which has its flashing point at or above one hundred and fifty degrees of Fahrenheit's thermometer, and is proved to the satisfaction of the Collector of Customs to be intended for use exclusively as fuel or for some sanitary or hygienic purposes.'</p>	<p><i>ad val-</i> 7½ per cent. <i>orem.</i></p>
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The amendment was adopted.

### The Honourable the President :

' 5. For item 73 the following item has been substituted, namely :

' 73. All sorts of animal, essential, mineral and vegetable non-essential oils, excluding petroleum as defined in Nos. 41 and 42.'

The amendment was adopted.

**The Honourable the President :**

' 6. In item 81 after the words 'imported cut' the words 'and pearls imported pierced' have been inserted.'

The amendment was adopted.

**The Honourable the President :**

' 7. At the end of item 83 the words and figures 'and articles made of silk (see No. 132)' have been added.'

The amendment was adopted.

**The Honourable the President :**

' 8. In item 85 after the word 'lorries' and before the word 'chassis' the word 'namely' has been inserted.'

The amendment was adopted.

**The Honourable the President :**

' 9. In item 87 after the word 'cutlery' the words and figures 'excluding electroplated cutlery (see No. 127)' have been added.'

The amendment was adopted.

**The Honourable the President :**

' 10. In item 98 after the words 'Haberdashery and Millinery' and after the word 'Hosiery' the words and figures 'excluding articles made of silk (see No. 132)' have been added.'

The amendment was adopted.

**The Honourable the President :**

' 11. Item 105 has been omitted.'

The amendment was adopted.

**The Honourable the President :**

' 12. After item 135 the following item has been inserted, namely :

' 136. Jewellery and Jewels.'

The amendment was adopted.

**The Honourable the President :**

' 13. In item 137 the word 'including' has been omitted.'

The amendment was adopted.

**The Honourable the President :**

' 14. The items of the schedule from 42 to 105 and from 136 to the end have been re-numbered and the necessary consequential amendments have been made.'

The amendment was adopted.

**The Honourable the President :**

' 15. In Schedule III to the Bill for the entries under the heads 'Letters' and 'Registered newspapers' the following entries have been substituted, namely :

*' Letters.*

For a weight not exceeding one tola . . . . .	Nine pies.
For a weight exceeding one tola but not exceeding two and a half tolas . . . . .	One anna.
For every two and a half tolas or fraction thereof exceeding two and a half tolas . . . . .	One anna.



[The President.]

*Registered Newspapers.*

For a weight not exceeding eight tolas . . . . .	Quarter of an anna.
For a weight exceeding eight tolas and not exceeding twenty tolas . . . . .	Half an anna.
For every twenty tolas or fraction thereof exceeding twenty tolas . . . . .	Half an anna.'

**Dr. H. S. Gour :** Sir, it is in connection with this amendment that is proposed and which, I believe has met with the universal acceptance of this House, that I wish to say a few words.

In the first line, should not 'for a weight not exceeding one tola ..... 9 pies' be omitted altogether and the rest stand as before?

**The Honourable the President :** As regards the necessity for amending this amendment, the Honourable the Finance Member has pointed out that he proposes by executive action to meet the House in that matter. In that case there is no necessity to make any amendment in the amendment made by the Council of State in view of the fact that it imposes only the maximum rates. If I am mistaken in the matter, the Honourable the Finance Member will correct me.

**The Honourable Mr. W. M. Hailey :** The figures that are mentioned in the amendment are under section 7 of the Post Office Act our maximum figures, and we can therefore introduce the half tola half anna rate instead of the entry in the Schedule. It will be exceedingly awkward, I admit, to have both the half tola half anna and one tola nine pies rates. And in spite of very obvious administrative objections that do arise, I would put it to the House that on the whole the best course is to pass this without further amendment and let us introduce the half tola half anna by administrative action.

**The Honourable the President :** The question is, that this Assembly doth agree with the other House in this amendment\*.

The motion was adopted.

\* 15. In Schedule III to the Bill for the entries under the heads 'Letter' and 'Registered newspapers' the following entries have been substituted, namely:

*'Letters.*

For a weight not exceeding one tola . . . . .	Nine pies.
For a weight exceeding one tola but not exceeding two and a half tolas . . . . .	One anna.
For every two and a half tolas or fraction thereof exceeding two and a half tolas . . . . .	One anna.

*Registered Newspapers.*

For a weight not exceeding eight tolas . . . . .	Quarter of an anna.
For a weight exceeding eight tolas and not exceeding twenty tolas . . . . .	Half an anna.
For every twenty tolas or fraction thereof exceeding twenty tolas . . . . .	Half an anna.'

**The Honourable the President :**

‘ 16. The following has been inserted as Schedule IV to the Bill, namely :

**SCHEDULE IV.**

Schedule to be substituted in the Freight (Railway and Inland Steam-vessel) Tax Act, 1917.

[SEE SECTION 4.]

**SCHEDULE I.**

[SEE SECTION 3.]

1	2	3
Goods.	Unit or method of taxation.	Rate of tax.

All goods (including goods carried by coaching traffic) other than food grains and pulses, firewood and fodder.	Per rupee of net freight payable.	Two and a half annas in the case of goods carried by a railway; and one and a quarter anna in the case of goods carried by an Inland Steam-vessel.
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The question is :

‘ That this Assembly doth agree with the other House in this amendment.’

**Mr. B. Venkatapatiraju :** Sir, when there is so much harmony, I should not like to stand up to sound a discordant note. But the Honourable Mr. Hailey has well pointed out that there may be some die-hards. Now, Sir, we need not die in the first trench out of fright. Let us fight to the end. The question now is this. If we have to interfere with reference to the Schedule anywhere, the Honourable Mr. Hailey says that we will not have the advantage of half an anna for half a tola which he proposes to give by executive action.

**The Honourable the President :** Order, order. The Honourable Member cannot speak about postage.

**Mr. B. Venkatapatiraju :** He says that any change in the Schedule will create a deadlock. Therefore, whenever this Assembly passes any Resolution with reference to the Finance Bill and arrives at a certain figure, if it goes to the Council of State and if it changes, modifies or even alters the figures, and if we want to touch it again, then according to the present understanding the House will be creating a deadlock. I respectfully submit, Sir, that that is a very awkward position to be taken up by this House. So far as this Schedule is concerned, Government on a previous occasion intimated, on the proposal made by Mr. Pickford, that they are agreeable to this. But then it was not acceptable to the other House. We said—those who opposed this Resolution have said on that occasion that we should not give any portion of the surcharge created for financial purposes to any other private companies. We said that we should not do any such thing. Immediately afterwards, Sir,

[Mr. B. Venkatapatiraju.]

that very evening, if you had noticed it, the Secretary of State has clearly stated that the increases made on the freight charges are solely to meet the financial situation and not at all to meet the Railway deficit. Now, what is suggested in this Schedule is that instead of charging 2 annas 6 pies as they do for railways, a rate of 1 anna 3 pies is suggested for inland steam-vessels in order to enable those companies to increase the freight by 1 anna 3 pies. Perhaps that is the object with which this suggestion of reduction is made. Now, Sir, like the suggestion of not increasing above the half tola half anna rate by executive action, is it possible that the steam-ship companies, as suggested by some in the morning, would not increase the freight? If they do not increase the freight, we do not grudge any decreased charges on that account. But I submit, Sir, if they were to utilise these reduced rates in order to increase their freight, it is practically imposing 2½ annas of surcharge and giving it to Government not directly but indirectly. Sir, the House need not be anxious that we are creating deadlocks. The Viceroy is sufficient in order to avoid any such thing. If you feel and if you are convinced that a certain thing is not acceptable to your conscience, you need not be anxious that you will be regarded by some as die-hards. You must exercise your own judgment and do whatever you think fit.

**The Honourable Mr. W. M. Hailey :** Sir, I quite agree with Mr. Raju that the House ought not in any case to be so apprehensive of producing a deadlock that it ought to vote against its conscience on any matter. As a Member of this House, I should equally refuse, merely because I was afraid of creating a constitutional deadlock, to vote against my conscience. But I do not think a case of conscience really arises here, in the sense suggested by the Honourable Member. I will give—and I think I ought to give the House again—the reasons why we on our part some days ago agreed to charge on traffic carried by inland steamship companies only half the surtax that we proposed to place on railway traffic. I feel that it is due to the House that this proposal, which involves the surrender of a certain amount of potential revenue, should be explained and justified to it. Now, Sir, what are the exact circumstances? They are that you have the Railways in close competition with inland steam-vessels. They both, I understand, take the same kind of traffic, and their rates must consequently compare with railway rates. I would add that in competition with both of them you have country boats. Now, we have found it necessary to put a tax on railway freights. We wanted money largely to make up the decreasing profits of our Railways and to allow us to spend more on their necessary repairs. So, Sir, if we take that tax from the Railways, we are to a certain extent at all events putting it back to the Railways, if not the whole, then certainly a considerable part of it.

The traffic carried by inland steamship companies paid the old surtax, but it was so light that it made no very great difference to them; what we now propose is a substantially heavier surtax. They, like the railways, find that their working expenses have increased and in ordinary circumstances they would raise their rates (as they have every right to do) in order to meet these increasing charges. But, as I have said, they are in competition with railways, and this fact limits their power of raising their rates. Take a unit of freight, say a big figure of Rs. 100, as this is simplest for purpose of calculation. We may for present purposes assume that this unit of freight is practically the same on the steamship companies and on the railways. We

are proposing to put some 15 per cent. roughly on to the railway freight, thus making it 115. If we put 15 per cent. on the steamship freights also, their freights will also be Rs. 115. Thereby, we now make it practically impossible for the steamship companies to take any extra freight in order to compensate them for the increasing charges which they must meet in order to carry their traffic; if they did so, then they would have to raise that Rs. 115 to a much higher figure, that is, substantially above the railway rates. It is to that extent that we prevent them meeting the extra charges due to increased working cost. Now, when we considered the case before, I said that we agreed that we ought to take only half in the case of the inland steamship companies of what we take in the case of the railways thus allowing scope for a legitimate increase in inland steamship freights. I admit that that compromise was not accepted at the time. It was not thought to be sufficient, but in spite of this proposal, I nevertheless do not in my mind recede from the position that we should certainly be doing an injustice to the steamship companies if we took an equivalent surtax on steamship and railway freights. Some Honourable Members have argued as though we were giving a refund. No refund is of course proposed; we are only reducing the total amount we might otherwise have taken. It is claimed on behalf of the inland steamship companies, that as we take nothing from the country boats we should place no surtax on freight carried by the steamship companies. Well, Sir, our justification for taking this surcharge is the precedent we have already established in the case of the existing small surtax. But the House will realize that this is an important additional argument in favour of the view that I am putting before it in regard to taking from steamships only half the railway surtax. The House will remember, also that when as we expect to do, we substitute a revised goods rate on our railways for the surtax, then we shall have no reason for maintaining this charge on the steamship companies. That fact in itself again enforces the view which I am putting before the House.

**Mr. Eardley Norton:** Something has been said to-day about conscience and a great deal has been said about consistency. It is not for me to say whether I suffer either from conscience or from consistency, but if I do I am not the only person who is amenable to that charge. I remember, during the debates upon the Budget, that the Honourable Finance Member made an offer to my Honourable friend, Mr. Pickford, whose grievances with regard to the inland steam-vessels he admitted to be just - an offer to give him one half of what he was asking for. This offer was repudiated by my Honourable friend in language which rose to the heights of great indignation. He rejected the offer and animadverted very strongly on the attitude of an English official who attempted to compromise with justice by an offer of one half only of the whole claim.

**Mr. A. D. Pickford:** I did accept the offer. Only my offer was not in proper form and was therefore ruled out by the Chair.

**Mr. Eardley Norton:** If I misunderstood my Honourable friend, I regret it, but if he is prepared to be consistent with his former position (though I do not understand why he should accept from the Council of State a proposal he attacked with so much scorn when offered by the Government) and will move the omission of this item from the amendments by the Council of State, I shall be happy to vote with him.

**Mr. A. D. Pickford:** Half a loaf is better than no bread.

**The Honourable the President :** The question is :

‘ That this Assembly doth agree with the other House in the amendment \* No. 16 on the paper.’

The motion was adopted.

The Assembly then adjourned till Saturday, the 26th March 1921.

\* ‘ 16. The following has been inserted as Schedule IV to the Bill, namely,

#### SCHEDULE IV.

Schedule to be substituted in the Freight (Railway and Inland Steam-vessel) Tax Act, 1917.

[SEE SECTION 4.]

#### SCHEDULE I.

[SEE SECTION 3.]

1	2	3
Goods.	Unit or method of taxation.	Rate of tax.
All goods (including goods carried by coaching traffic) other than food grains and pulses, firewood and fodder.	Per rupee of net freight payable.	Two and a half annas in the case of goods carried by a railway ; and one and a quarter anna in the case of goods carried by an inland steam-vessel.

# LEGISLATIVE ASSEMBLY.

Saturday, 26th March, 1921.

The Assembly met in the Assembly Chamber at Eleven of the Clock. The Honourable the President was in the Chair.

## MESSAGE FROM HIS EXCELLENCY THE VICEROY.

**The Honourable the President :** I have received a Message from His Excellency the Governor General :

*'In pursuance of sub-section (3) of section 63 of the Government of India Act, I, Frederick John Napier, Baron Chelmsford, hereby require the attendance of Members of the Legislative Assembly in the Chamber at the Imperial Secretariat at 9 O'clock in the morning on Tuesday, the 29th March, 1921.'*

(Sd.) CHELMSFORD,  
Governor General.'

## STATEMENT LAID ON THE TABLE.

**The Honourable Mr. W. M. Hailey :** Sir, I beg to lay on the table a statement showing the details of the revised estimate under the head 47—Miscellaneous of the cost of the visit of His Royal Highness the Duke of Connaught.

*Statement showing the details of the revised estimate under the head 47—Miscellaneous of the cost of the visit of His Royal Highness the Duke of Connaught.*

	R
1. Cost of officers and establishments in attendance on His Royal Highness and of His Royal Highness's tour apart from actual cost of transportation . . . . .	4,15,640
2. Transportation charges . . . . .	4,00,723
3. Cost of accommodating and entertaining His Royal Highness in Delhi . . . . .	5,82,431
4. Cost of ceremonies, etc., in Delhi :	
Camps . . . . .	7,35,500
Communication . . . . .	2,66,000
Water supply . . . . .	2,00,000
Electric lighting . . . . .	4,40,000
Decorations . . . . .	1,57,000
Public functions . . . . .	5,43,000
Sanitation and Conservancy . . . . .	1,40,000
Tools and Plant . . . . .	1,90,000
Establishment . . . . .	3,00,000
Miscellaneous . . . . .	1,48,500
	<b>31,20,000</b>
	<b>45,18,794</b>
Deduct—Anticipated savings (under item 4) . . . . .	3,65,794
Net total . . . . .	<b>41,53,000</b>

NOTE.—The above is a gross estimate. Recoveries to the extent of Rs14,58,000 are expected to be made ultimately, reducing the net cost to approximately Rs27,00,000. Most of these recoveries will be made under the first five items under 4 above.

RESOLUTION *RE* CODIFICATION OF HINDU LAW.

**Mr. K. G. Bagde :** Sir, I have the honour to move the following Resolution which stands in my name, and which runs thus :

‘ This Assembly recommends to the Governor General in Council that he may be pleased to appoint a committee to consider the question of the codification of Hindu Law and, if possible, to prepare a draft Code for submission to the Indian Legislature.’

This Resolution consists of two parts. By the first part, I request the Government to refer the question of codification of Hindu Law to a committee. Those of my Honourable friends here, who are familiar with law, can easily realise the importance of codification in the development of law. But to bring this importance to the notice of other Honourable Members, I think it is necessary that I should say a few words. All civilized countries have recognised and adopted codification as a means of developing and reforming law. In almost all such countries the desire for codifying law seems to synchronise with the awakening of national feeling. To take a concrete case, we find that up to the year 1868, there was no legislation of a strictly modern character in Japan. It was only after this time that steps were taken to promulgate a national law. The period of some years before and after the year 1868 is very important from an international point of view in History of that country. In that period political dangers of immense magnitude threatened the national liberties of Japan. But Japan faced this danger most tactfully, and finally it emerged so successful as to rank one of the leading nations of the world. The era of Feudalism in Japan closed in the year 1868 and Imperial supremacy was re-established. Since this re-establishment of Imperial supremacy, attempts were made in every direction for national progress. The whole country was struggling and clamouring for national unity. National unity could not be secured without unity of law, and for unity of law codification was necessary. It was this realization of the importance of codification as a potent means for fostering national unity that made Japan to adopt it, and hence we find that the years from 1868 to 1899 form an era of extensive legislative activities in that country. I selected the case of Japan, particularly because it is an easternly nation quite dissimilar in its history, national temperament, and habits from other nations under the direct influence of the Christian civilization. In cases of other nations, we find similar periods of codification following close upon national awakening. Germany began its national legislation about the year 1848. Italy promulgated its Civil Code in 1837, Portugal in 1867 and Spain in 1887. Like legislative eras can be marked out in the history of other countries.

I give the above details only to bring to the notice of this Honourable House the importance of codification in general from a national point of view. I do not mean to say that the question of codification which I am going to discuss before this House is alike in its nature, extent or subject-matter to the cases mentioned above.

Having thus shown the universal adoption of codification, I shall proceed to mention some of its advantages. In the infancy of mankind, we find no sort of legislature ; as one eminent jurist has rightly remarked :

‘ Law has scarcely reached the footing of custom—it is rather a habit—it is in the air.’

It is with the growth of society that relations of men grow more and more complicated and then comes into existence the system of law to regulate

some of these relations. Now it is necessary that the law governing any particular people must be definite and capable of being known by the persons whose rights and duties it determines. These principles were recognised from the earliest times, and we have Code of Hammurabi as old as more than 4,000 years. Looked at from these two points of view, namely, definiteness and cognisability, as Bentham calls it, we find case law very unsatisfactory. Case law deals with particular cases, and hence it does not provide for different kinds of facts. Thus we find that case law lacks security for completeness.

Another defect of this branch of law is that it does not prevent co-ordinate and conflicting decisions standing side by side for an indefinite time and thus provides very imperfect security for consistency. It still has another defect. It is intelligible and accessible only to experts. Now, though these defects cannot be removed completely, yet codification is the only remedy by which these faults are minimized to a great extent. Codes bring the law on a particular subject within a definite compass, and make it accessible to almost everybody. It gives general principles by reference to which particular questions may be decided.

One more great advance has been made in modern times. Law has always lagged behind society. In former times it was very difficult to introduce changes by which law can be brought up to date. But now we see that all civilised countries are possessed of legislatures representing all the important classes of the people. Through this machinery legal reforms can be introduced from time to time to meet the needs of society. Thus it saves law from being too rigid and inconvenient, and hence we see that various statutes are amended or revised after a few years to provide such new rules of law as might be required by new interests and new circumstances in the progress of society. Any enactment hardly lasts for more than 10 or 12 years on modern statute books, when it is either improved or corrected at those points at which experience has shown that it required improvement or correction.

So far I have dealt with the importance and advantages of codification in general. Taking into consideration the very unsatisfactory condition of Hindu Law at present, I think it necessary to resort to codification for removing its defects. The greatest defect of this law is its uncertainty. There are numerous commentators on the old Shastric texts. The most important of these are (1) Vidhaneshwara and (2) Jeemutwahan. But there are numerous others some of whom are regarded as chief authority in some part of the country and not in others. Thus we have nearly six different schools of Hindu Law.

When we think about the shortcomings of this law, we find the following defects. The first is, that on various important points there is a difference of opinion among the judges not only of the different High Courts but also among the judges of the same High Court. As I do not wish to take up much time of this House by going into particular details, I only shall mention such defects.

The next defect can be best expressed in the words of Sir W. C. Petheram :

‘It is strange,

He says :

‘that even now, when the best informed among the Hindus have written books in English to tell us what their customs are, English judges appear to think that these men do not know what their customs are, or know what their own language means.’



[Mr. K. G. Bagde.]

In this connection it is very interesting to read the case law with regard to the right of succession to the property of a woman governed by the Mayukha school who dies without leaving any issue.

In certain cases, the highest court has pronounced decisions which are not in strict accordance with the texts. The case of the validity of the adoption of the only son is to the point.

Another case of confusion arises from the different interpretations of the same authoritative texts of Hindu Law.

In certain places, it is found that the standard treatises on Hindu Law define a principle, and give only a limited number of examples. This defect is conspicuous in respect of Law of Succession. This defect can be removed only by pushing such principle to its logical conclusions.

All these defects have rendered the condition of Hindu Law very unsatisfactory. There is uncertainty regarding many points. Perhaps we shall have to wait for centuries to see these points going before the Final Court and decided by it. Thus we cannot depend upon case law. The only course left open for us is to remove these defects and pitfalls of law by having recourse to codification.

There are certain objections that may be urged against my proposal. It may be alleged that the task is very difficult. I do say, it is not easy. But at the same time it is not impossible. The province of the present Hindu Law is much more restricted than it was in ancient times. Law with regard to crimes, property, contracts and many other branches has been included in various statutes. Hindu Law at present treats of rules regarding Inheritance, Marriage, Adoption, Guardianship, Joint Family, Wills, Gifts, Debts, Alienations and Maintenance, etc. Some of these sub-heads are also affected by Acts like Hindu Wills Act, the Probate and Administration Act, the Married Women's Property Act, and others. Thus it will be seen that its sphere has been restricted a good deal.

There were certain attempts made to prepare digests of the rules of Hindu Law. But they did not succeed. I do not wish to treat these attempts in detail. Such attempts were dictated by administrative exigencies. However difficult the task might have appeared in former times, we are confident that it is capable of achievement. We have the good fortune to have among us an eminent legal scholar who has already done good work in this direction. I refer to my Honourable friend, Dr. Gour. Those who have seen his Hindu Code might easily be convinced of the practicability of the task.

I have already made it clear that by codification alone the existing shortcomings can be removed. There is another aspect of the case why we should urge for codification. Whatever might have been the causes before, now at least we must not be content with the slow reform effected by decisions of judges who are mostly non-Indians and sitting at a distance of thousands of miles from us.

While making these remarks I do not forget that our thanks are due to all those British judges and writers on Hindu Law who have taken great pains to study and expound it. We have to admit that one of our best books in Hindu Law is from the pen of an English Jurist.

The proposal I have made is a very modest one. I only propose a committee. I have not defined its composition with a view to leave the

matter entirely to the discretion of the Government. There are, however, some communities which are not strictly Hindu, but which are governed by Hindu Law, such as the Jains, the Sikhs and others.

I hope that due arrangements will be made to allow such communities to put their representatives on this committee.

My proposal is modest from another point of view. The question of reforming certain rules of Hindu Law has been agitated through the press. A few days ago, I saw a letter, published in a newspaper under the name of my Honourable friend, Mr. Seshagiri Ayyar. Though this be so, I do not wish to go further than asking for codification as I think it will remove many shortcomings in our law. There has been partial codification of many branches of law in British India. This process of codification began about the year 1834 and it still continues. Though some portions of the law have been modernised by this process, the personal law of the Hindus and Mahomedans is allowed to remain untouched. This non-interference in matters of religious and personal laws was dictated by policy. It was realised from very early times of British rule in India that any legislative interference in the religious and customs of the people would involve grave political consequences. In what is known as the plan of Warren Hastings of the year 1772, it was ordained that :

‘In all suits regarding inheritance, marriage, caste, and other religious usages or institutions the laws of the Koran with respect to Mahomedans and those of the Shaster with respect to Gentoos, shall be invariably adhered to.’

I was confounded with regard to the meaning of the word ‘Gentoo’, and among authors also I found that there was a similar confusion with regard to its origin and meaning. Some say that the word ‘Gentoo’ was derived from the Sanskrit word ‘jantoo’ which means an animal in general. Others say, that it was derived from the Portuguese word ‘gentis’ meaning a gentile or heathen. Whatever that may be, the Portuguese called us Hindus as Gentoos in pursuance of the practice of other people, I mean the conquerors of India, who always spoke about the Indians in not very respectable terms.

Now, this line of least resistance adopted by our Government has still been continued, and the social fabric of Indian communities is left undisturbed as much as possible. The proposal that I make does not in any way go against this policy of Government. I do not propose any change or innovation of any sort. I only wish to have the existing Hindu Law to be codified as it is, so that many defects arising from its present unsatisfactory condition might be removed. I know that the task is of great dimensions. It will require some years before it is accomplished. But we must make a beginning. The earlier we make it, the better for the communities concerned. The principle should be accepted by Government, and with that view the present Resolution is introduced. There is not the least reason for Government to hesitate to accept the principle of the Resolution, as it goes in no way against their policy in the past. The new era of political reforms has given us legislature representing the various classes of the people in the land, and hence this august House, I think, is pre-eminently fitted to undertake the question. I, therefore, request the Honourable Members of this House to support the Resolution.

**Mr. T. V. Seshagiri Ayyar :** Sir, I rise at once, as reference was made by the Honourable Mover to me and to a letter which I have written

[Mr. T. V. Seshagiri Ayyar.]

to the papers, mostly to the legal journals, regarding the necessity for legislation respecting matters of Hindu Law. Sir, the learned Mover has referred to the task as being a very difficult one. I think he would be justified in saying that it is almost an Herculean task. It is a very difficult task, and, as I propose in the few remarks that I shall make, to indicate the lines which the Government might pursue without any difficulty, I think I am justified in making my remarks at this early stage.

Sir, the question of Hindu Law, like other questions connected with Hindus, presents a phase of arrested development. In the old days, there were Smritis which from time to time were changed by writers who made the law of the Hindus quite abreast of the times they lived in. Then came a time when there were commentaries upon these Smritis. These commentators, although they professed to give the intention of the Smriti writers, as a matter of fact, introduced into their commentaries their views regarding the customs which were prevalent in their days, and thus they contributed to the development of Hindu Law. Later on, came a period when decisions of courts tried, to some extent, to help to improve Hindu Law. But I must say that the attempts made by courts to assist in its development rather proved a hindrance than a help to the development of Hindu Law. Now, Sir, for a long period there has been this stagnation in regard to Hindu Law. No attempt has been made for a considerable period to tackle with the problems of Hindu Law. I must point out, it is neither complimentary to our intelligence nor to the ancient civilisation which we profess to have inherited that we should for such a long time have left the Law in the unsatisfactory state in which we find it. Now that we are told that we are representing the people in this Assembly, I think the time has come when we should make some endeavour to codify or legislate in regard to Hindu Law matters.

Sir, I have pointed out to the Assembly, not as a lawyer, but as a layman, the necessity for codifying Hindu Law. I began by saying that there are a large number of Smritis which are supposed to lay down the Hindu Law for us. The difficulty for the lawyer, the difficulty for the judge, and for the litigant is, which of these Smritis should have greater weight than the others? Then comes the question which of the commentaries should be given more prominence than the others. All these are difficulties which have been confronting the judges and lawyers for a considerable period. Only the other day, I think it was the day before yesterday, I was reading in a legal journal which was sent to me from Madras, a very peculiar position which confronted two of the learned Judges of the Madras High Court. The question was whether a disciple of a Sudra sanyasi can inherit the property of that sanyasi. The learned Judges had to consider whether the text of Mitakshara which deals with the inheritance of the property of gurus is obsolete or not, and the learned Judges came to the conclusion that it is not obsolete. Now there are a large number of such questions. Judges have very often to consider as to whether a particular text of Hindu Law which is to be found in the Smritis of Manu or Narada, is obsolete or still in force, and then, Sir, there is the question whether a particular text is mandatory or only directory, and then we have another difficulty as to whether a particular enumeration in a text is illustrative or exhaustive. I have had to administer justice and was always confronted with such difficulties, and I think if I can say that of a person who is a Hindu and who has read some of the ancient Smritis texts, finds these

difficulties, you can imagine, Sir, what the difficulties of European judges would be in regard to such matters. Therefore, it is time, and very high time that we made some attempt to codify Hindu law so that persons who have to administer it, persons who have to argue it and persons who suffer under this intolerable state of the law may know something definite as regards that law.

Sir, my Honourable friend has pointed out that legislation has been attempted in various civilised countries and he was good enough to point to the example of Japan in this matter. Sir, it is very easy, so far as Japan is concerned, to codify. It is a homogenous country; there are no differences as we find in this country, and, therefore, there is not the same difficulty which confronts the legislature in a country like Japan as you find here. But here, Sir, we have endless varieties of Hindu law. The Hindu law which is observed in Madras is not the Hindu law which is observed in Bombay and, if we take Bengal, we find two schools, one the Dayabhaga and the other the Mitakshara which is administered by the same Judges in Bengal. Consequently, you will find great difficulty in codifying. The example of Japan will not be of much assistance to us.

Sir, my object in rising at once after the Mover of this Resolution is, that I may be in a position to indicate to the Honourable the Law Member the mode or the direction in which the assistance of Government may be given for this purpose. Sir, there are three courses open in order to set right the present unsatisfactory state of the Hindu law. The first is to appoint a large Commission composed of persons who are acquainted with Hindu law. That, I believe, Sir, would be no doubt a satisfactory one, but, unfortunately, it would mean considerable expense and Mr. Hailey, who has taken the trouble to come here on this occasion and has been listening somewhat intently to what I have been saying, may not be able to find the funds for this purpose this year, or the next year or the year after. It will undoubtedly take a long time to get a Commission to go round the country to collect opinions and to submit to the Government the conclusions they have come to. Moreover, it will take an enormous length of time to do it and further, Sir, it is not possible for a Commission appointed by this Assembly to deal satisfactorily with the various systems of law in the various Presidencies. If Commissions are to be issued, those Commissions must be issued by the various Local Governments. A Commission from Bengal, a Commission from Bombay and a Commission from Madras. We have to consider the various states of the Hindu law in those Presidencies, and probably this Assembly may be in a position afterwards to appoint a small Committee to examine the opinions thus gathered. Therefore, Sir, I think the idea of having a Commission to go round the country at this present stage is not a practical one so far as I can see.

A second course is to allow private persons to introduce Bills to codify the Hindu law. Sir, if I make a few personal remarks about myself, I hope you will pardon me for doing so; I may say that I came to this Assembly mainly with a view to give my assistance in the matter of codifying Hindu law, although it is for that purpose I came here. Sir, you have found none the less that the war horse is not dead in me and that wherever there are other questions coming up, I tried to catch your eye and to interpose in the discussions as often as anybody else. But, Sir, the main purpose which led me from Madras to Delhi is to see that Hindu law is codified, and, if I am not satisfied that any such attempt can be made in this Assembly, I might

[Mr. T. V. Seshagiri Ayyar.]

not consider myself justified in intruding my presence any longer on you. The main object of my life, after a fairly full public career, in coming over to Delhi is to see that this unfortunate state of Hindu law is rectified, and if I am unfortunately led to think that that cannot be done, then, Sir, I may perhaps say good-bye to this Assembly altogether. Now, Sir, I hope the Assembly will pardon me for having said so much about myself. Sir, there are difficulties in the way of private legislation. One difficulty is this: I asked you very early in this session whether Bills took precedence over Resolutions, and you, Sir, with your impartiality and with your desire to hear a large number of people on Resolutions were good enough to tell me that under the existing law Bills would have no precedence over Resolutions and that we would have to ballot for Bills as well as for Resolutions. I may say, Sir, that I am neither favoured by the gods nor favoured by the ballot. On three occasions I tried my hand. On the first occasion I was seventh on the list; on the second occasion I was eleventh on the list; and on the third occasion I was seventeenth on the list. That shows that I am not very much favoured by the ballot box. Under those circumstances the only course is to ask the Government to allow me to bring in my Bills if I wanted to legislate upon Hindu law, and I am not quite sure that I will have, as I said, the favour of the gods in regard to this matter; there will be other people who will claim the same indulgence. Therefore, Sir, the difficulty of private legislation is very great.

A third course, and an intermediate course, is this and this is the course which I recommend to the consideration of the Honourable the Law Member. I suggest that at the end of each session a small Committee may be appointed for the purpose of considering what are the most urgent matters which require codification, to take up those subjects which offer the least possible resistance, the Committee will advise the Government on the particular matters which should be taken up for legislation at the next session. It will have this advantage. A Bill will be drafted; it will at once be published in the Gazette of India and opinion will be elicited from the High Courts and from various bodies immediately, whereas that cannot be done in the case of a private Bill. If it goes out with the imprint of Government approval it will soon get the opinions of the various persons interested and it will be passed into law as early as possible. Therefore, Sir, I would suggest to the Honourable the Law Member that he should at the end of each session appoint a small Committee — it need not be the same Committee each time to advise him as to the particular matters which, without in the least provoking public opinion or in the least prejudicing orthodox opinion, can be taken up for legislation.

Sir, I do not think there is anything more to be said on this question. As I said, the state of the Hindu law is not very complimentary to the education which we have received and to the civilisation with which we have come in contact. It is absolutely necessary, in order that this matter should be set right, that some steps should be taken, and, in my opinion the last of the courses which I have recommended to the consideration of the Honourable the Law Member seems to be the most feasible one and one which, if followed, would to a certain extent set right the abuses which we find in connection with Hindu law.

**Dr H. S. Gour:** Sir, after the very flattering reference to my Hindu Code it is supererogatory on my part to say, that I heartily support the Resolution. The three questions which arise in this connection, are:

First, should we have any code at all? And the second question is, is it possible to codify Hindu law? And the third question is, *what should be the nature of this Code?* Now, Sir, it is too late in the day to question or dispute the value of a code. Its advantages are world-wide and well-known. A code makes the law certain; it makes it simple and it makes it uniform. The only disadvantage which is sometimes spoken of as attaching to a code is its rigidity; but that rigidity should no longer stand in the way of a code when we have the Legislative Assembly with its argus eyes ever watching the course of legislation in this country. The question, therefore, about the utility of a code need not detain us.

The next question and the question upon which my Honourable friend, Mr. Seshagiri Ayyar has discoursed this morning is the question about the possibility of a code. Now, Sir, I cannot for a moment doubt that we can codify the whole body of Hindu law. As to how far that Code will meet the requirements of the various schools, communities and localities is a question which has to be put to the test of time. I am quite aware of the difficulties which have been raised in times past to the codification of Hindu law. Various efforts have been made during the last century for the purpose of codifying Hindu law; and I also feel that these efforts have not been as successful as they might have been. But the mere fact that effort after effort has been made for the purpose of codifying Hindu law is the best argument that you can have in favour of codification. The Honourable Mr. Seshagiri Ayyar has pointed out, that in the various castes and communities, and in the various localities of this country there are various local laws. But if he will examine the underlying principles of these castes, communities and localities, he will find that there is a substratum of uniform, unvarying, clearly enunciated principle, and it is upon that principle that Hindu society hangs together; and that, I submit, constitutes the frame work of a Hindu code. I feel, Sir, that the difficulties of codification loom large to those people who have not really tackled with the problem. I myself for the last 25 years was a victim to that fear, that Hindu law, sacrosanct as it is, with its innumerable divergences, its innumerable conflicts in texts, its conflicting interpretations, and the judicial dicta which added to the confusion, was far too diffuse for codification. But when I took up the work I found the work extremely interesting and I have attempted to codify the whole of Hindu law in 290 sections; and the fact that it is now used as a good working code by the legal public in this country is, at any rate, some justification for making a venture of the kind proposed by the Honourable Member. I am aware of its imperfections, and it is because I am aware of its imperfections that I rise to support this Resolution.

Now, Sir, two questions arise in connection with the codification of Hindu law. Shall it be a mandatory code or shall it be merely a declaratory code? If it is to be a mandatory code, then I quite agree with the Honourable Mr. Seshagiri Ayyar that a commission will have to go to all parts of India for the purpose of ascertaining what is the existing law and what is the law which they want. Because in that case the legislature will legislate not only upon what is the law but it will legislate upon what ought to be the law. But the difficulties which this course presents do not arise if the legislature were merely to enact a declaratory code, a code of what is at present the prevailing law. That, I submit, need not present any difficulties; and a very small committee costing a figure, which will certainly not alarm the Honourable the Finance Member, should suffice to place such a code on the statute book. But if a more ambitious scheme is launched and this Assembly was to decide that we should

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have a complete, perfect and up-to-date code of not only what is the law but what ought to be the law, then I certainly think that the difficulties are greater and the cost of legislation will proportionately increase. These are the two alternatives which I present to the Honourable the Law Member. I am for once in favour of a simple declaratory code which should enunciate the leading principles of Hindu law as they are administered by the courts to-day.

Now, Sir, if such a code, a declaratory code, is enacted, it will be the ground-work for the future legislator and in better times we might be able to appoint a more ambitious committee for the purpose of overhauling the whole of Hindu law and bringing it up to date. That we have sufficient materials for such a declaratory code, as I commend to the attention of this House, I have no doubt; and I therefore submit that neither the question of time nor the question of expense should delay the movement in favour of a declaratory code. Now, Sir, it has been said, and said with a great deal of truth, that the progress of Hindu society is arrested for want of a code. And the Honourable Mover has pointed out that the Judges, both Indian and European, have the greatest difficulty in administering the Hindu law. As a matter of fact, there is no question of Hindu law upon which the very best Sanskritists and the most profound lawyers do not feel some doubt. Such is the uncertainty of Hindu law, an uncertainty born of the following facts: first of all, the whole of Hindu law is embedded in an unknown tongue; in the second place, we are not in a position to obtain an authentic version, a true version of the text to which that law relates; in the third place, we have a number of conflicting commentaries placing different interpretations upon the same word and the same aphorism; and lastly, these aphorisms were written at a time and for a society which has long since ceased to exist. From the days of Manu, some two thousand years before Christ, when the first code of Hindu law was promulgated, the later commentators have rested content by fastening meanings upon the original texts to suit the altered conditions of the society in which they lived, and the result has been that the true meaning of the original texts has in course of time been wrested from its normal meaning and sense; and the interpretation of Hindu law at the present day is a highly technical art known only to the few, and I doubt even if it is known to a very few. But Hindu law, as it was originally enacted, was intended to meet the requirements of a simple pastoral life. Society has grown and become more complicated, and with the growth of society and the growth of the numerous problems which the modern conditions of society bring, Hindu law finds itself totally and wholly inadequate to deal with the conflicting claims and the conflicting rights of persons and people.

The result has been that English Judges and Indian Judges have to eke out this bald statement of law with what is known as justice, equity and good conscience, and these judicial dicta which have been added to the written texts and now constitute the *juris corpus* in this country form a considerable portion of the law as it is administered at the present day. In other words, while the law is defective, Judges have to administer law according to the dictates of justice, equity and good conscience, and they have unconsciously sometimes, and consciously at other times, to supplement that law by what they conceive and consider to be the right law and in doing so they assume a jurisdiction of necessity which rightly belongs to the truly appointed and accredited Indian Legislature. I submit that this state of Hindu law is far from satisfactory. It can never be consistent, it can never be uniform and it can never be exhaustive.

Individual cases are decided and these cases are overruled or distinguished as soon as subsequent cases arise, and it is found that the enunciation of principle in a particular case requires qualification or modification. I submit, therefore, this indirect method of judicial legislation which is going on and must go on in the absence of a Hindu code must be put a stop to by this Assembly deciding here and now that Hindu law shall be codified in one of the two ways I suggest in which codification is possible. I submit, Sir, that as there are no practical difficulties for the immediate enactment of a declaratory code, the Honourable the Law Member should accept this Resolution, and I have no doubt that he will find that a very small committee of the nature suggested by the Honourable Mr. Seshagiri Ayyar would suffice for that purpose.

**Rai Bahadur Pandit J. L. Bhargava:** Sir, though in the Punjab custom is the primary rule of decision in matters relating to succession, special property of females, betrothal, marriage, adoption, guardianship and certain other matters laid down in section 5 of the Punjab Laws Act, yet no custom is to be presumed to exist, but it is to be established like any other question of fact except in cases in which there have been judicial pronouncements of the highest courts in certain matters relating to agricultural tribes. As regards non-agricultural tribes resident in towns, the initial presumption is, that they are governed by Hindu law. In the case of agricultural classes also, if no custom is found to exist, a Hindu can always fall back upon his personal law. Therefore, the Punjab is as much interested in the codification of Hindu law as any other province. In the Punjab, Mitakshara or the Benares School is generally followed, and in order to find a correct principle governing a particular case, resort is always had to the judicial pronouncements made by the various High Courts, and they are sometimes very conflicting. In order to secure uniformity and to remove this uncertainty, it is highly desirable that there should be a code complete in itself so far as it can go, so that it may guide the litigant public, the counsel and the Judges who have to deal with Hindu law. With these few words, I support the Resolution which is now before the Assembly.

**Babu J. N. Mukherjee:** Sir, in course of what I may have to say on this very important subject, it seems to this House that there is a jarring note upon a possible unanimity of the House, I shall ask the indulgence of the House to bear with me on a point of such vital importance. Sir, there cannot be any doubt that if on a point like this codification was possible, every one would feel eager for a result like that. But in considering the point, we must not treat the question as one of first impression, but as one which has a long history attached to it. I mean to say, that the Hindu law to-day as it is interpreted by the British courts is a growth, and to say that there has been in the present instance an arrested development will not be correctly representing the exact situation. Now my submission is, that you cannot in a matter like this, write on a clean slate, as it were. There are religious and social susceptibilities to be considered, and we must note that the administrative experience which the British Government has gained has led it to follow the present course. Let us see, what will be the immediate effect of codification in the present instance, apart from the question of the difficulties that we shall have to face in connection with it. Now, what are the sources of Hindu Law? We find that they are based upon the sacred writings of the Hindus; and the commentaries upon them, though they purport to differ on certain



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points, all agree in assuming that there is a common basis for their line of interpretation, though they might differently interpret the same text. Sir, if a body which does not exactly represent the Hindu community were to legislate upon the subject and to pass a Code and called that a declaratory Act laying down what the Hindu law is, what would be the effect of that on the situation? Will that Act nullify all the fundamental or basic principles which are to be found in the religious books of the Hindus as forming the ground-work of their laws? Will this House take upon itself to say, 'hereby Manu is repealed, hereby Yajnavalkya is repealed, hereby this House repeals Mitakshara'? Will such a course be proper or feasible? Such being the case, I hope this House will not make up its mind to go in for a big undertaking like the one proposed and create a regular hornet's nest about it.

12 NOON. It cannot take such a course. The statutes of Parliament have laid down that the Hindus shall have their own law so far as these questions are concerned and that the Muhammadans shall have their own personal laws. What would be the feeling of my Muhammadan brethren if we said 'your laws were written many many years ago, let us codify the laws laid down in the Koran or in the Hadeesh'?

**Mr. Amjad Ali:** The Koran is not the same.

**Babu J. N. Mukherjea:** But suppose people said that? Would you tolerate it for one moment?

**Mr. Amjad Ali:** We do not suppose it for one moment.

**Babu J. N. Mukherjea:** Well, a large body of people among the Hindu population are imbued with a feeling like that evinced by my Honourable friend. If we cannot repeal certain sections of the Vedas and Smritis, what will be the value then of the Code? Now, various books on Hindu law have been written, such as Sir Ernest Trevelyan's book, and my Honourable friend, Dr. Gour's book, where precepts in the form of principles have been laid down. They are deductions of principles from decided cases, and in many of the principles enunciated, the words used by the Judicial Committee or by the High Court of India have been put down. If you wanted to find the law on a point where conflicting opinions existed, you would find in such books an exhaustive statement of the law on such points. Such a statement in a book and a statement of the law in a Code have this difference between them that a Code is presumed to be exhaustive on the point with which it deals, and therefore the words used in a Code furnish a starting point for the decision of questions arising in connection with future litigation, or for the interpretation of the law in any particular case that may come up for consideration. Therefore, in codifying Hindu law *en bloc* we have to give the go-by to all that has been said in the religious books of the Hindus or what is to be found in the Smritis, and we shall have in such event to confine ourselves entirely to the Code itself. That is the difficulty. The Code will debar the courts from looking into the past, from explaining the present by reference to the past, and will compel us to follow the words of the Code as the starting point and the final word on the subject. I deprecate, what was described by my learned friend, Dr. Gour, as the rigidity of a Code. That is the fear.

I need not tell this House that the English common law is a matter of free choice with the English people. In the earlier stages of the growth of

English law, it might have been said 'What is the use of having common laws? Let us have codified laws right through. We shall then know precisely what the law has to say on any particular point.' No doubt, statutes have been passed from time to time in England, but the common law has had its existence side by side with the statutes. Besides that, the effect of a rigorous interpretation of the law has been done away with, to some extent at any rate, by the application of the principles of equity. Now that we know what the practical difficulties to be met in a matter of this kind are, the first question that presents itself for consideration, as has been pointed out by my learned friend, Mr. Seshagiri Ayyar, is, on what lines should we proceed with a view to the solution of our difficulties? No doubt, his suggestion that we might, for the present, confine ourselves to the consideration of small detached points and see first of all whether we can codify the Hindu law on these points— seems to me to be the most feasible course to adopt. At the very outset, we have to face the great practical difficulty of an attempt to make a comprehensive code dealing with all the points of Hindu law at one and the same time. Such an undertaking will extend over a long series of years. Whether the Honourable the Finance Member will find the money to carry on this extensive work (it may last well over many generations to come) is another question. That is a difficulty which has been noticed by all the eminent speakers who have spoken on the subject. We all feel this difficulty about it. Conflicts of decisions there will be in any event. But in spite of these difficulties of the present condition of things, people have submitted that in the present condition of things, it is the only feasible way that the questions that present themselves to us can be solved. It is more satisfactory than the process suggested by the Resolution, at least, on many points. What I would submit to this House is, that we should not be tempted to imitate other nations, for instance Japan, as it has been pointed out by my friend, Mr. Seshagiri Ayyar. That it is out of the question, because there is homogeneity there, whereas here what have we got? First of all, it will take years to find out how many classes of Hindus there are and to what law they subjected themselves. I am not sure on what points the law will be settled in the midst of such diversity. How many years will necessarily elapse before we find something like a satisfactory solution of such a question? Then again, a code means that we shall have a law in one place of a uniform character governing a large class of people or the whole of the population of a country. For instance, all our statutes, the Evidence Act, the Penal Code, or the Criminal Procedure Code are indiscriminately applied to all. There is no question of religious principles in any of these codes. Whereas in the case of Hindus, we find that there are different sects and tribes and it will be an impossibility, at any rate it appears so to me, to form one Code which will meet all the needs of all the different classes of Hindus; because *ex hypothesi* the courts in British India have applied and mean to apply different laws to those different classes at least so far as details of Hindu law are concerned. Therefore one benefit of codification is lost. We find the same diversity, we have the same difficulty right through even if there be a code. Now, Sir, if decided cases and the principles which are deducible from decided cases have so far succeeded in laying down the fundamental principles, the investigators who have gone before us have not worked in vain; in the century and a half that have elapsed, many many points have been cleared up, the foundations of many others have been laid. We know, as a matter of fact, the courts have changed the law in certain respects, and Hindu

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society has submitted to these changes. For instance, as regards the widow's rights, we know that the courts deviated from the text laid down by the Smritis, and certain modern principles have been introduced by our courts. For example, the principle has been introduced, that property once vested cannot be divested and things like that. Although we find such a principle more or less in an elementary form in the Smritis, yet I take the above to be a modern principle introduced in recent times so far as this particular point is concerned. Principles like these have been introduced. It was never intended that a widow should go on enjoying her husband's property when she did not live a chaste life. According to the proper meaning of the text in *Katyayana*, it should be held that she should enjoy her husband's property so long as she continues to live a chaste life.

But the modern interpretation is, that if the property of the husband has once vested in her, it cannot be divested. That is one point. There are many other points in respect of which the case law seems to have deviated from the original texts. It seems to me, Sir, that it will be more satisfactory if we can devise means by which differences on small points of Hindu law, taken in a detached form, can be set at rest by an authority respected by the community or possessing statutory powers. Of course, these points are settled in individual cases, and when they are settled they are very often coloured by the facts of the particular cases. Therefore, I submit, that if general propositions of law which arise and which give us trouble from time to time can be decided, by means other than a general codification which we can devise, or by some means by which an authority can be constituted, so that it can authoritatively state its opinion on a particular point of conflict in Hindu law, such a course seems to be a more practicable way of dealing with the subject than the proposal for codification which has been admitted by my learned friends, who have considerable experience in these matters, to be a very very difficult task.

**Mr. N. M. Samarth:** Sir, I am sorry that I do not agree with my Honourable friend, Mr. Seshagiri Ayyar, in his view that this Assembly or the Government should attempt the huge task of codifying the Hindu law for the whole of India. I find he says he did not say that. But I understood him to say that he had come here for the sole purpose of seeing that Hindu law was codified, and I hope that even if his object is not fulfilled, he will still continue to be a Member of this Assembly. As regards codifying the whole of Hindu law, my difficulty is this. Any person who is acquainted with Hindu law and who is concerned in the administration of it as a Judge or as a practising lawyer, knows that the fundamental principle of Hindu law is that custom is paramount over the letter of the law, or as expressed in Sanskrit *Sāstrat ru dhi bahiyasī* 'custom overrides the Shastras'. That is the fundamental principle in administering Hindu law. Consequently you find different schools of Hindu law in different parts of the country in accordance with the traditions and customs of the various communities who have lived in those parts. I come from Bombay. The Bombay school of Hindu law, I claim, is more progressive than others, especially with regard to the rights of women, and I do not expect any uniform Hindu Code doing justice to the Bombay view. I would not like, at any rate, a Hindu Code being framed in such a way as to level us down to the method of treatment of Hindu women which finds favour with the other schools. I would, therefore, oppose any codification of Hindu law on that basis. My Honourable friend, Dr. Gour, has

attempted something like what he calls a code of Hindu law. Every mother thinks her little goose a swan. To my mind, if he will forgive my saying so, his so-called code is a mere boiled down digest and nothing else. That is not, I venture to think, the idea of a code. But coming to practical matters, it seems to me that there is one way by which this idea of codifying Hindu law for the different provinces may fructify. It should be left to each province, to each local legislature for instance, to consider whether it is desirable for that province to codify the Hindu law which prevails in those parts. It should be left, for instance, to the Bombay Legislature to decide the question for themselves, and if they come to the conclusion that it is desirable to do so, they will be in a better position to codify the Hindu law as suited to the Bombay Presidency than a body of men who may not be so conversant with that law or who may try to think that the Bombay law gives more rights to women than it is desirable for women to have. With these few words, I must say, that I am not in favour of the motion as it stands.

**Sir P. S. Sivaswamy Aiyer:** The Resolution which has been moved has for its object not to introduce a change with regard to any particular part of the Hindu law, but to subject the whole of the system of Hindu law to an examination and scrutiny at the hands of a committee. It is a motion really to throw the whole of the Hindu law into the melting pot. The issue now is not between legislation and no legislation. Lawyers who have been nourished upon the principles of the English law and English jurisprudence may perhaps be expected to share in the hostility which English lawyers generally enter ain towards attempts at codification. But that is not my attitude. I am all in favour of legislation on those points of Hindu law upon which the need has been felt for legislation, whether it be on account of the conflicting decisions of the courts, or whether it be because the general sentiments of the community have outgrown the doctrines of Hindu law on any particular subject. If there is a strong and a practically universal consensus of opinion as regards the need for a change with regard to any particular point, the Legislature may well interfere in such a case. If the courts have given conflicting decisions and it is impossible for the layman or even for the lawyer to come to any definite conclusion as to what the law is, it is desirable for the legislature to intervene. But in the absence of these conditions I do not think it would be wise to appoint a general commission for the purpose of examining the whole of the Hindu law and suggesting amendments and alterations. I am not aware of many instances of the whole of the personal law of the people of a country having been thrown into the melting pot in this manner and subjected to the scrutiny of a commission. We have been told that a progressive nation like Japan has introduced codes. I am sorry to confess, that I have little acquaintance with the codes of Japan. I do not know whether Japan has codified the law of status, or the personal law of her people, but I hope we shall not be considered unprogressive if we fail to follow the example of Japan, even if Japan has codified the whole of her personal law. Now, if it is necessary to introduce changes with regard to any matter of Hindu law, there are various ways of introducing it. The most hopeful method, and, in my opinion, the most proper method of introducing such changes is to deal with specific points and bring forward legislation relating to those points, preferably in the provincial Councils. It must be remembered that India is a large continent with several provinces and sometimes several systems of law in the same province like the Dayabhaga and Mitakshara in

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Bengal. Now, under those circumstances, it would be a task of immense difficulty for a Central Legislature like this to attempt to legislate for the whole of India in a matter like this. It would be neither desirable nor possible to standardise the whole of Hindu law and reduce it to a code. It is not like the laws relating to contracts or transfer of properties or crimes or evidence or anything of that sort. It relates to matters affecting the rights of succession, inheritance, marriage, adoption, joint family, and so on, which are all intimately bound up with the social structure, with the religious sentiments and with the usages of the people. The best machinery for dealing with matters of this kind is the provincial legislature. Hitherto, no doubt, the Central Legislature has been very chary of interfering in matters of personal law, mainly, no doubt for the reason that they have regarded it as likely to be attended with political danger if they attempted to interfere with laws connected with the religious usages and social structure of the people. I hope that, hereafter, the attitude of the Central Government will not be hostile at all and that, on the other hand, they will be disposed to allow the provincial legislatures to go ahead wherever they feel the necessity for a change. This is the line of policy which we in Madras have followed. Some years ago, the late Sir Bhashiam Aiyangar introduced a Hindu Gains of Learning Bill which was successfully carried through the Madras Legislature but was, unfortunately, vetoed by the Governor of Madras in deference to an unreasonable protest from certain sections of the community. Subsequently, my friend, the Honourable Mr. Seshagiri Ayyar, carried through the Council a Bill relating to transfers and bequests by Hindus. It is legislation on these lines that is most promising of results. Now, suppose, on the other hand, you appoint a large commission to codify the whole of Hindu law. They will have to travel over the whole of India, take evidence as regards the views and the wishes of the people and the necessity or otherwise for any particular changes. What a lengthy process it will be and how very expensive? To give you one illustration of the delay and the futility of legislation on some of these matters, I may refer to the Malabar Marriage Act in which my friend, Sir Sankaran Nair, took a great deal of interest. It took any amount of time to record the evidence of the community concerned, there was no end of discussion, it gave rise to acute differences of opinion on the part of the community, and, eventually, it was passed. And do you know how many marriages have been registered under that Malabar Marriage Act during the last 25 years or so? Not more than 28, and I believe that even some members of Sir Sankaran Nair's family have not registered their marriages. The fact is, they have now discovered that the relations now subsisting do amount to marriage and that they do not want any Marriage Act at all. Now, that is an illustration of the extremely expensive and futile character of attempts to legislate in social matters. Now, there is another danger in appointing a commission of this sort. You offer a great temptation to hasty social reformers.—I am not opposed to reforms on points on which the community is agreed—to advocate each his own pet hobby and to push it forward and pull down the whole system. I do not believe it would be at all desirable to appoint such a large commission with such a large scope and to ask them to range over the whole field of Hindu law and reduce the existing law to the form of a code. I think it would be attended with very considerable danger of creating discontent in the community. The safest method, therefore, is to proceed by way of piece-meal legislation on points

upon which the community in each province may be generally agreed, and if we have a large number of Statutes of this kind dealing with specific topics, the time may come when you may find it expedient to consolidate all these enactments and pass them in the shape of a code. The work which Dr. Gour has told us he has attempted will, I have no doubt, be extremely useful in an attempt of this kind, but I do not think the time has come yet for recasting the whole of Hindu law; the time has not come yet for a new Manu to re-edit the whole of Hindu law.

Much has been said about the rigidity given to particular doctrines of Hindu law by the action of the Courts. On the other hand, members of the legal profession will also realise that there have been cases where the action of the courts has tended to liberalise the system of Hindu law and to make changes in accordance with the changes in public opinion or in accordance with the requirements of equity. Take, for instance, the law relating to alienations. The Hindu law of alienations has been gradually moulded into conformity with the requirements of equity and it has been allowed to make an encroachment upon the rights of members of the joint family.

There are other cases which will occur to the minds of Honourable Members where the law has retained a fluid character owing to the action of the courts. Take again the law of wills, which is entirely a growth of modern times and is due to the effect of judicial decisions. It is not necessary for me to go into any details of this sort on the present occasion. My Honourable friend, Dr. Gour, said that the code might be a declaratory code. I suppose what he meant to say was that the code might declare the law as it is, instead of seeking to make any changes; that will not satisfy the wishes of those who do wish to introduce changes. But even if you merely make a declaration of the existing law it will involve a stupendous amount of labour and it is not really worth while. Then again let me add one more consideration before I sit down. I am not one of those who think that the system of Hindu law is perfect. There are many respects in which it has given rise to inconvenience; but where is there any system of personal law which will satisfy the opinions and sentiments of all the people living under that system or of all the people who living under other systems wish to model the personal law of the people on lines which they consider most conformable to abstract justice and equity? Only the other day we had notice of a Resolution from a Muhammadan Member of this Assembly that the Hindu law should be so altered as to let in daughters to inheritance along with sons. Now, that would be fundamentally altering the character of the present principles of the Hindu law of inheritance. Whether it is a thing which is desirable in itself or not, is another question; it is for the Hindu community to decide. Now if you were to subject the English law of property to scrutiny of that sort you will find many a doctrine which might perhaps be declared by an outsider to be anomalous or inconvenient or inexpedient in the public interests. I think it would be a great mistake to subject the whole of the personal law of any community to a scrutiny like this, and I think the only safe course for us to pursue is to proceed by way of piece-meal legislation in the manner which has been pointed out by some of the gentlemen who have already preceded me.

**The Honourable Dr. T. B. Sapru:** Sir, only the day before yesterday I had the honour of making a speech on this precise question in another place; but I was not opposed there to my legal friends, and necessarily some points of

[Dr. T. B. Saprú.]

view which have been elicited to-day in the debate were not brought out the day before yesterday. You have here to-day warm advocates of codification, cautious advocates like my friend, Sir P. S. Sivaswamy Aiyer, and uncompromising opponents like my friend, Mr. Samarth.

Now, so far as the two great Madras lawyers are concerned, it seems to me that in spite of the seeming difference of opinion between them, in the result they are agreed, as I hope to be able to show presently. So far as my Honourable friend, Dr. Gour, is concerned, one can naturally sympathise with his ambition to be another Justinian in this country. But there are just a few considerations which I will beg the House to bear in mind in approaching a question of this momentous character. In the very first place, let me point out the essential difference between ancient codes and modern codes; and it is important to bear in mind that difference when you have to deal with a code affecting an ancient community like that of the Hindus. In almost all the ancient codes you find that the sanction behind the written law was that of religion. In most modern codes you find that the sanction is either secular or it is an admixture of a secular and religious character. Therefore, when you undertake a task of this stupendous character, you have to put one or two questions clearly to your mind. Is it only that you intend to codify the law after a careful investigation, the law which you have inherited from past ages? Or is it also that you want to modify the law as you have inherited it from past ages and to make such modifications as modern requirements may demand? If it is only a question of codifying the inherited law, you have first of all to discover what that law is and to remove all such controversies and differences of opinion as you have at the present day and as have also been inherited through a long series of years. If, on the other hand, you want also to codify the law so as to meet modern requirements, you have to take care that in your zeal for the modification of the law you may not bring into existence forces of opposition which may altogether defeat the object that you have in view. These considerations, if I may be permitted to say so, are not peculiar to the present conditions of India. Whenever and wherever in modern times attempts have been made at codification, you find lawyers as well as scholars divided into two groups. I need hardly remind a learned Assembly of lawyers of the great battle which was waged in the latter part of the 18th century and the earlier part of the 19th century between two schools of German jurists; Savigny on the one side detested—perhaps quite as strongly as my friend, Mr. Samarth detests—all attempt at codification. Thibaut on the other side was a warm advocate, such as my friend, Dr. Gour, is of codification. Anyhow the real point is, that even in regard to the German Code, which has been described by Professor Maitland as the most perfect code invented by the human mind during the last two hundred years, the German nation proceeded with the utmost possible caution. As my Honourable friend, Mr. Bagde, himself pointed out, the first attempt began about the year 1846, and you will find that the first commission which was appointed there to codify the law was in the year 1887 or 1889. It laid down what is known as the first project; this first project was again followed by what is known as the 'second project,' and this again in its turn was followed by the 'third project.'

So time after time there was revision by one committee or commission and again by another committee or commission, and it was not until the year

1896 that the German Code was put in its final shape, and even after that it took four years to obtain the imperial sanction. This is the caution and circumspection with which they proceeded there.

Similarly, I could give, if necessary, the history of other continental codes. In recent years the most remarkable instance is that of the Swiss Code which again was brought into existence after arduous labours extending over a long number of years. Therefore, while as a lawyer, and as a Hindu lawyer, any one in my position should consider it his pride and privilege to assist his own countrymen to have a system of personal laws in a codified form, I would beg the House not to allow its enthusiasm to over-run the necessary caution in this matter.

It is somewhat remarkable that while in the early days of Sir William Jones it was found impossible to get a pundit in Benares to help in the translation of the Code of Manu, we have got so many pundits of Hindu law to-day anxious to help the Government in the codification of the law. Perhaps the Assembly will allow me to read an interesting passage to illustrate the change which has come over the spirit in modern times. A learned writer, referring to the difficulty which Sir William Jones felt in translating the Code of Manu says :

\* At Benares, the Chief Native Magistrate was unsuccessful in his attempts to procure a persian translation of the work, the pundits being unanimous in their refusal to render assistance. The pundit, with whom Sir William read Sanskrit, reluctantly consented to lend his aid, but only on certain days, when planetary influences were favourable. As preparations for the publication of an English version advanced, the pundit became alarmed at the prospect of Sir William's success, and apprehending serious consequences to himself, he earnestly requested that his name might in no way appear in connection with the attempt to make known to foreigners the sacred Institutes of the revered Hindu legislator. Eventually a wealthy Hindu at Gaya caused a version to be made, which assisted Sir William in his design and enabled him, at an enormous expense of time and labour, to give the result of his endeavours to the European world in an English version. The translation appeared in the year 1792.

You have now pundits learned in law both in this House and in the other House anxious to assist the Government. Now take it from me, that so far as Government is concerned, they are not unwilling to avail themselves of their proffered help and assistance, but at the same time I would beg the House to remember what all that offer of help implies in time, in men and in money.

Again, there are just one or two considerations which I should like to place before the House in connection with this question of codification. My Honourable friend, Mr. Bagde, the Mover of this Resolution, referred to a remark which one comes across in every text book dealing with the question of codification, namely, that in any country where there is a growing national consciousness there is also a desire for a national code, because the two are supposed to help each other. But let me point out, that it is no use relying upon that bare dictum of learned text writers. When they refer to the demand for a national code, they mean quite a different thing by that expression. There are vital distinctions between codes such as have sprung up in Germany, Switzerland and other countries and a code such as you want here, dealing with questions purely affecting the Hindu community which is one of the several communities in India. Therefore, let us not rely too much upon that dictum.



[Dr. T. B. Sapru.]

Again, my Honourable friend, Dr. Gour, seems to think that once law has been codified, all the troubles are over. The best answer that I can give is by referring to Dr. Gour himself. Take for instance the Transfer of Property Act consisting of 138 sections, and yet the learning, patience and knowledge of Dr. Gour has given us three stupendous volumes extending over many pages. Take again his book, the Hindu Code, into which he says, he has condensed the whole of the recorded wisdom of ancient sages in 290 sections. But look at the book itself. It extends over 1200 pages. Therefore, let us not build our hopes too much upon mere codification. At the same time, it is a great mistake to suppose that when law has been codified, there can be no room for doubt or difficulty. In this connection, perhaps the House will allow me to refer to two very suggestive passages, one from Bentham and one from a French writer. Now, Bentham, who was perhaps the most enthusiastic supporter of codification, says :

‘The object of a code is, that every one may consult the law of which he stands in need, in the least possible time ; and a code should be complete and self-sufficing, should not be developed, supplemented or modified except by Legislative enactment.’

Now there is a criticism on this made by one of the most distinguished predecessors of mine which it is also necessary to read out to the Assembly. This is what Sir Courtenay Ilbert says :

‘The views of Bentham were characteristic of the age in which he wrote ; it was an age of great ideals. It underrated the difficulties of carrying them into execution. It overrated the powers of Government. It broke violently with the past. It was deficient in the sense of the importance of history and historical knowledge. It aimed at finality and made insufficient allowance for the operation of natural growth and change. It ignored or under-estimated differences caused by race, climate, religion, physical, social and economical conditions.’

I need hardly point out the application that these remarks have to the question before you.

Then, again, when certain questions arose with regard to the Code of Napoleon in France, and when one of the Commissioners who were appointed to codify the French law was approached and asked as to whether the codification of the law in France would put an end to all legal troubles, he gave this warning, and let me read that also :

‘We have guarded against the dangerous ambition of wishing to regulate and foresee everything. The wants of society are so varied that it is impossible for the legislator to provide for every case or every emergency. We know that never or scarcely ever in any case, can a text of law be enacted so fair and precise that good sense and equity will alone suffice to decide it. A new question springs up. Then how is it to be decided ? To this question it is replied, that the office of the law is to fix by enlarged rules the general maxims of right and wrong, to establish firm principles fruitful in consequences and not to descend to the details of all questions which may arise upon each particular topic.’

I consider it necessary that these facts should be brought out before this House which consists not only of lawyers but also of laymen. I will only refer to one more aspect of the question, and then finish. English lawyers, as my Honourable friend, Mr. Eardley Norton, will bear me out, have been very cautious in regard to this matter. It is the glory of English law that it has reached its present stage not by codification, but by the exposition of Judges and eminent writers of law. It is true, that there has been a school of thought in England which has pressed for the codification of law. It is also true, that during the last thirty or forty years certain branches of common

law have been codified. Now there is growing in England a school of thought, which is more urgently pressing for codification of law, and I will just read to this House a passage from one of the greatest exponents of that school of thought which, I venture to think, will be accepted alike by my Honourable friends, Mr. Seshagiri Ayyar and Sir Sivaswamy Aiyer.

Two years ago, Dr. Goudy, Regius Professor at Oxford, delivered an address on this very question and dealing with this question he said :

‘The task though difficult is perfectly feasible.’

He then added :

‘There are three alternative methods apparently by which codification may be effected. First, the whole law in all its departments may be codified by one operation, *uno flatu*, civil, criminal, ecclesiastical and so on. Second, each of the great departments of law, civil, criminal, fiscal, may be codified separately and independently of each other. Thirdly, the codification should be effected piece-meal as it is said, that is to say, by taking small portions of the law.’

Now Dr. Goudy supported the second method for England. May I venture to support his third method—the method of piece-meal legislation for India?

And if you bear that in mind, you will find that both Sir Sivaswamy Aiyer and Mr. Seshagiri Ayyar are in substance agreed. Now, as both Sir Sivaswamy Aiyer and Mr. Seshagiri Ayyar have pointed out, there are certain branches of the Hindu law which are in an extremely unsatisfactory condition. Take for instance the question of adoption or take again the question of impartible Rajes or take again some branches of the law relating to *Stridhan* or take again some questions relating to widows’ estates, and lastly, the tremendous amount of confusion that exists with regard to the liability of a son to pay his father’s debts. Now, these are branches of law which may be taken up by enthusiastic scholars like Dr. Gour and experienced judges like Mr. Seshagiri Ayyar, and they may introduce Bills in regard to them. The services of my Department and my personal services will be at their disposal. But the Honourable Mover has asked me to give a reply which I trust he does not expect to be either directly affirmative or negative. His whole object, I understand, is that this question should receive the attention of this House and of the Government. Now, what I propose to do on behalf of the Government in a matter like this is, that we shall address the Local Governments and the various High Courts, various learned bodies, Bar libraries and legal associations, and ask them to advise us as to whether in their opinion in the first place the time has arrived when a serious and organised effort should be made to codify the whole of the Hindu law or any portion of it and, if so, on what lines we should proceed. We shall further ask them as to whether in the event of their being of opinion that we should make an attempt like that, what should be the composition of any Committee or Commission that we may appoint. Until we have reached that stage, I think it will be recognised that it is impossible for me or for any Member of the Government to give a more decisive reply.

When we have collected the opinions of the High Courts and of the Local Governments and learned societies, you may take it from me that I shall give the matter my best consideration re-surveying the whole situation and then allow my further steps to be guided by the opinions so expressed and so obtained. I hope this reply will be considered to be satisfactory by my friend, Mr. Bagde, and by his supporters there. And if he considers it to be satisfactory, I sincerely hope and trust, he will not press his Resolution to a vote.

**Dr. Nand Lal:** Sir, the year 528 A.D. is held in great reverence in the view of the jurists of the world. Why so? Because the illustrious Emperor of Rome contemplated a codification of the laws then, and the result of the contemplation at that time was that we have now got a Code which is called the Twelve Tables, and for which the whole world is indebted to that illustrious Emperor Justinian. To my mind, this year will be considered a year of great importance and eminence when a Resolution like that is moved before this House by the representatives of the whole of India.

With a view to examine the situation and see whether the codification of the Hindu Law is necessary or not, let us try to examine certain conditions. When we try to find out what is Hindu Law, practically then naturally the answer is given to us from some quarters that some portion of the Hindu Law has become obsolete. Now, may I very respectfully ask the advocates for the opposition which is the real and definite body of your Hindu Law? It is extremely difficult to say precisely and concisely that a certain kind of Hindu Law is a law which can govern the whole of India. In Calcutta, I mean to say, in Bengal, the majority of the people are governed by *Daya Bhaga*; and the majority of people in Bombay are governed by their separate system of *Dharm Shashtra*, and again the majority of people in Madras are governed by another school of Hindu jurisprudence. *Mitakshara* governs the United Provinces and the greater portion of the Punjab. It is extremely difficult to say which is the particular type of Hindu Law which will govern the whole of India. And what is our present idea? Unity. I say, the codification, in itself, has got unifying elements. You cry for nationalism on one side and when certain elements which can form nationality are put forward before you, you deny them. Codification is one of the unifying elements. It is the most forcible thing which you need really to feel united. If the Hindu Law is codified, there will be a universal law for all the Hindus. The Hindu in the Punjab will bow to it, the Hindu in Madras will respect it, the Hindu in Bengal will obey it. There will be greater unity as a result.

It has got judicial benefit also. And what is that? The present condition is deplorable. I may very respectfully say, the conflict in judicial decisions is appalling. That conflict will be removed at once, in any case it will be removed to a very large extent.

Socially, as I have already submitted, it has got more benefit. And politically also, it has got marvellous utility, in that all Hindus living whether in the Punjab or Bengal or Madras or any other part of India will think themselves one, because they are governed by one rule of law. So, politically, judicially, and socially, it is necessary that the present rule of law, which is said to be Hindu Law, should be codified.

The advocates for the opposition have set forth certain arguments to the effect that a certain part of the people in Madras will not like this idea. Well, some years back, some members of the same community in Madras did not like to cross the ocean. They thought it a sin to cross the sea. But in these days, we find that a number of gentlemen from Madras are going to England and they come back qualified as members of the Bar. The same superstition took hold of the minds of some people in the United Provinces. All these superstitions have been removed by civilisation. There is enlightenment in these days, and we should not think of the old days. When we lay claim to civilisation we should try to avail ourselves of those things which really maintain that civilisation, and codification of law, I may say, is one

of them. It has been said here in this House by a number of gentlemen, that this is a very difficult task. With due deference to their line of thought, I may say, it is not difficult at all. Where there is a will, there is a way. If you want to do it, do it seriously, and you will find it finished. It is not an extremely difficult thing at all. If a few lawyers put their heads together and think about it, the whole thing, which seems to be a colossal and difficult task, will become quite easy. I am in full support of this Resolution, and I thank the Honourable Mover for moving it.

**Mr. K. G. Bagde:** In view of the assurance given by the Honourable the Law Member, I think I need not press the Resolution before this House. I am glad, that in the person of the Honourable the Law Member we have got an ardent supporter of the cause of the progress of Hindu Law. With these few remarks, I beg that this House will allow me to withdraw the Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

## THE INDIAN ELECTRICITY (AMENDMENT) BILL.

### MESSAGES FROM THE COUNCIL OF STATE.

**The Honourable the President:** I have received a message from the Secretary of the Council of State to the following effect :

‘I am directed to inform you that the message from the Legislative Assembly to the Council of State, desiring its concurrence in a Resolution to the effect that the Bill further to amend the Indian Electricity Act, 1910, be referred to a Joint Committee of the Council of State and of the Legislative Assembly, and that the Joint Committee do consist of 12 Members, was considered by the Council of State at its meeting to-day, and that the Resolution was concurred in by the Council of State. The following Members of that body were nominated to serve on the Joint Committee, namely :

The Honourable Sir Alexander Murray,  
The Honourable Mr. Froom,  
The Honourable Sir Maneckji Dadabhoi,  
The Honourable Sardar Jogendra Singh,  
The Honourable Mr. Moncrieff Smith, and  
The Honourable Mr. Chatterjee.

H. MONCRIEFF SMITH,

*Secretary of the Council of State.*

**The Honourable Sir Thomas Holland:** Sir, I beg to move :

‘That the following six Members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill further to amend the Indian Electricity Act, 1910, viz. :

Rao Bahadur T. Rangachariar,  
Mr. P. P. Ginwala,  
Mr. J. N. Mukherjea,  
Mr. S. Sinha,  
Mr. Rahintoola Currimbhoy, and  
The Mover.’

The motion was adopted.

RESOLUTION *RE* ULTIMATE COURT OF APPEAL IN INDIA.

**Dr. H. S. Gour:** Sir, the Resolution which I have the honour to move reads as follows :

‘This Assembly recommends to the Governor General in Council to be so pleased as to take early steps to establish a Court of Ultimate Appeal in India for the trial of Civil Appeals now determined by the Privy Council in England and as the court of final appeal against convictions for serious offences occasioning the failure of justice.’

Sir, this Resolution for the establishment of a Supreme Court in this country is in consonance with the policy that the British Colonies have followed as soon as they became federated nations. I venture to think that, had it not been for the hurry with which the Indian Reforms Act was passed in both the Houses of Parliament, this question of the establishment of a supreme court in this country would have engaged the attention of those illustrious reformers who have given us the Government of India Act, 1919. The Resolution which I wish to move is to add one more necessary chapter to the Government of India Act, 1919, and in doing so, I follow the example of the great Colonies of England, such as, Canada, Australia, and South Africa.

Now, Sir, you will ask me what immediate necessity there is for the establishment of such a court in this country. My answer would be, remember the history of the Judicial Committee of the Privy Council. As we know, the Judicial Committee of the Privy Council is not a tribunal or a court, but merely an advisory body constituted and intended to advise the King in his capacity as the highest tribunal for his Dominions. Early in the fifteenth century, as England came to expand into a large colonial power, territories were ceded or acquired by conquest, and it became necessary for the Government to administer justice to these scattered dominions with the result that the Judicial Committee was requisitioned by His Majesty to advise him on the administration of civil justice. The growth of jurisdiction of the Privy Council can be traced to this fact. Later on, small and short statutes were passed from time to time, till in 1833 a much more comprehensive statute was passed which regulated and defined the jurisdiction of that body. But from its very inception up to the present day the Judicial Committee has remained a court of necessity, a court which merely exists because there is no lawfully constituted court to replace it, a court which advises the King on the administration of justice because the Colonies have now courts lawfully constituted of their own for that purpose. In England, we have now the established courts. In 1867, when the confederation of the Dominions of Canada took place, it was provided by the North America Act of that year that a supreme court shall be constituted for the Dominions of Canada as the court of ultimate appeal from the provincial courts. In pursuance of that Act passed in 1867 a Supreme Court was constituted in 1875 and the Act armed and clothed the Supreme Court of Canada with jurisdiction to hear appeals which had hitherto been heard by their Lordships of the Privy Council. The Privy Council continued to wield its jurisdiction up to the year 1900 in the case of Australia, and by the constitution of the Commonwealth of Australia a court of final appeal was constituted for the whole of Australia. The Australian Act follows the Canadian Act and its essential particulars are as follows. Both in Canada as well as in Australia this court of final appeal is the supreme authority in all civil cases, but the provincial or federal

courts have the option of either appealing to the Supreme Courts which sits in the Colonies or of appealing direct to their Lordships of the Privy Council. But, in practice, both in Canada as well as in Australia the tendency is to appeal to the local court and, when there has been an appeal to the local court, the further appeal to the Privy Council is limited, according to the Acts of the two Colonies, to cases in which leave is given by these courts to appeal, and in the much rarer cases in which special leave is obtained from their Lordships of the Privy Council. It has been laid down, as regards cases from Canada as well as from Australia, that except in very special cases or cases involving a question of constitutional law, or a question of law of great and general importance, special leave to appeal to the Privy Council would not be granted. The result, therefore, has been, that so far as Canada and Australia are concerned, though both these Colonies have the option of either going direct to the Privy Council or appealing to the Supreme Court, as a matter of practice and convenience, the appeals to the Privy Council are few and far between.

Such is the history of the establishment of the Supreme Courts in Canada and Australia.

Turning now to South Africa, on the conclusion of the Boer War the British Parliament enacted what is known as the Union of South Africa Act, 1909, and you will find that sections 103 to 106 of that Act deal with the question with which I am concerned here. While in the case of Canada and Australia a litigant from the High Court or as it is called the Supreme Court in Australia has the right of either appealing directly to the Privy Council or to the locally constituted Supreme Court, in the case of South Africa he has got no right of appeal to the Privy Council at all and all appeals from the provincial High Courts must be laid before the Supreme Court of South Africa. The King's prerogative in all the three cases of Canada, Australia and South Africa remains unimpaired, but in practice this prerogative is confined to very special cases. We have, therefore, now before us the example of three of the most important Colonies of England, and in all these Colonies the Supreme Court is constituted as a part and parcel of the Reform Acts which federated the union of these Colonies.

So far as India is concerned, using the expression Colony in its large sense, India is England's largest and most important Colony. As a Colony it is bigger in area, more numerous in population, than either of the colonies of Canada, Australia or South Africa, and I submit, there is no reason whatever why we should not have a Supreme Court of our own in this country. We have in India, as Honourable Members are aware, six chartered High Courts, some Chief Courts and a few Judicial Commissioners' Courts. These are, for all purposes, courts of final appeal in this country. Now appeals from these courts at present go to the Privy Council, subject to the limitations provided in sections 109 and 110 of the Code of Civil Procedure. I do not wish to take the House through the details of those sections because they were discussed only the other day, namely, that all important cases of the value of Rs. 10,000 or more and involving either a substantial question of law or those in which the judgments of the courts are not concurrent, are appealable to their Lordships of the Privy Council. Now, one of the provisions of the Code of Civil Procedure is, that if the value of the claim is directly or indirectly Rs. 10,000 or upwards, the case is appealable to the Privy Council and it happens that in a majority of cases the real value of the claim in a High

[Dr. H. S. Gour.]

Court is perhaps below Rs. 10,000. Now, to calculate the cost of an appeal to the Privy Council, Rs. 4,000 are required by the High Court as a deposit by way of security for payment to the respondent in case of his ill-success, about Rs. 2,000 are required for the printing of the papers and we will put down about Rs. 4,000 at least for Counsel in England and about Rs. 2,000 as the costs of the Solicitor there. Consequently, the minimum expenditure of an appeal to the Privy Council approximates about Rs. 12,000 and that in a case where the value may be much below Rs. 12,000. Consequently, I submit, that the expense of an appeal to the Privy Council is prohibitive. But, if that were all, I would not complain. The delay attendant upon an appeal to the Privy Council is also a matter which cannot be lost sight of. I admit that in recent years an attempt has been made to quicken the disposal of cases and their Lordships of the Privy Council have shortened the period of limitation with that object in view. But with all that we cannot forget that the court is situated some 8,000 miles distant from India, and we cannot also forget that it is a court in which we cannot be directly represented; we are only represented in their Lordships' court through the Solicitor who works for us in London. The delay, therefore, of 2 or 3 years and in many cases of 4 to 5 years, if not more, is inevitable. Now, if it was a question of expense and delay, I should have made out a very strong case for the establishment of a local Supreme Court of appeal. But you will remember, some five years back, Lord Haldane, when he was Lord Chancellor of England, contributed an article to a legal journal which was widely circulated and discussed in this country, in which he suggested the establishment of a Privy Council in this country; and more latterly, the present Lord Chancellor, Lord Birkenhead, in his articles to *The Times*, a summary of which is available to us here, has recommended the strengthening of that court by appointing some Indian jurists and lawyers and also by raising the salary of their Lordships of the Privy Council and by making certain other reforms. I mention these facts for the purpose of showing, that so far as the present constitution of the Privy Council is concerned, two eminent legal authorities, two Lord Chancellors, have in succession confessed that it requires improvement.

Now, what should be the method of improvement? Their Lordships of the Privy Council in case after case have pointed out, that in cases dealing with Hindu and Muhammadan Law and with law which is not founded on English Law, they have always welcomed the assistance of persons specially versed in those laws; and I submit, that if we have a court in this country, a Supreme Court following the lines of the Supreme Court of Canada, Australia or South Africa, we shall have got over the three objections which at present prevail, to a direct appeal to the Privy Council, namely, firstly expense, secondly delay, and thirdly the unsatisfactory method of disposals. The question as to whether litigants in this country should be put up on election, as they are in Canada and Australia, of choosing their forum of either an appeal to the locally established Supreme Court or to the Privy Council is a question upon which I express no opinion. That is a matter which must be left for further discussion. All that I am concerned with at present is, that the Government should be pleased to accept this Resolution and commit itself to the establishment of a Supreme Court in this country. It is, I submit, essentially necessary to complete the conception of an Empire. We have now a Parliament of our own, and it is necessary that we should have a Supreme Court also. It is

necessary for the reason that our laws materially differ from the English Laws ; and if the Colonies of Canada, Australia and South Africa, where the English Law is the *lex loci*, found it necessary to establish Supreme Courts of their own, how much more necessary it is that we in this country, who suffer from the multiplicity of laws of which you, Sir, have heard just now from the speeches of my Honourable and learned friends, Mr. Seshagiri Aiyar and Sir Sivaswamy Aiyer, how much more necessary, I submit, it is, that in the midst of this multiplicity and conflict of laws we should have a Supreme Court established in this country which should be empowered to adjudicate upon the rights of parties in the same manner and to the same extent as the Supreme Courts adjudicate upon the rights of parties in the three Colonies I have named.

I have been hitherto speaking of the civil jurisdiction of the Supreme Courts of these Colonies. Now, let me take the Honourable Members through another very important branch of law, that is, criminal law. Now, the Privy Council have in several considered judgments disclaimed their authority to adjudicate in criminal cases as the court of correction. In a very recent case, their Lordships wrote in unmistakable terms that the Privy Council is not a court of criminal appeal, and in saying so, Lord Haldane who delivered the judgment of their Lordships made the following observation : (That was in the case of *Dal Singh*, 44 Cal. 876)

‘ It is well established that the unwritten principles of the constitution of the Empire restrain the Judicial Committee from being used in general as a court of review in criminal cases. But while the sovereign in Council does not interfere merely on the question whether the court below has come to a proper conclusion as to the guilt or innocence, such interference ought to take place where there has been a disregard or violation of the principle in such a fashion that it amounts to a denial of justice.’

In other words, the Privy Council disclaimed their authority to interfere on behalf of litigants from this country unless it is shown that there has been a failure, a gross failure, of justice, and that failure of justice must be directly attributable to the misapplication of principle or procedure. Now, this is a very narrow gate indeed, and judging from the cases that have gone up to the Privy Council, I venture to think that the cases are perhaps not more than about a dozen ; and of these the successful cases are only four or five, certainly not more than half a dozen. Now, so far as regards the criminal jurisdiction, the Privy Council disclaimed all authority except in the cases laid down in the leading cases of *Dillet* and *Dal Singh* from which I have quoted. Under the colonial law, the Supreme Courts are courts of revision ; and they revise all judgments of the federal courts, and in that way rectify the errors of those courts. If a Supreme Court is established here, I submit, it should be armed with similar jurisdiction to review and revise all criminal cases, and in that respect it would possess the same power as the final courts of criminal appeal in the three large Colonies of England.

My Resolution, therefore, is this : That the court of final appeal in this country will generally follow the lines adopted as regards its foundation, the Supreme Courts in Canada and Australia ; and if Honourable Members so desire, it may follow the narrower course for which there is a precedent in the South African Act of 1909. But I prefer to follow the examples of the two larger Colonies of Canada and Australia, giving the litigant the option of either appealing to the Supreme Court here or to the Judicial Committee of the Privy Council in England.

Some Honourable Members in discussing this motion with me in private asked me in a quizzing sense, ‘ What is this Resolution of yours ? Do you want



[Dr. H. S. Gour.]

to destroy the Privy Council?' Now, I wish to assure Honourable Members, that that is far from my purpose. Even if I had the desire, we, in this House, have not the authority to destroy or to limit the King's prerogative, and in the three cases which I have instanced, the King's prerogative remains unimpaired, though by the Australian Act, it is expressly provided, that the Parliament may limit the King's prerogative, the King having parted with that prerogative by an Act of Parliament. Now, in the Resolution which I am moving here, I have no intention whatever of limiting or altering or qualifying in any way or degree His Majesty's prerogative which is exercised by the Privy Council. The position would then be this. If we have a Supreme Court here, subject to the provisions contained in sections 109 and 110, all cases of Rs. 10,000 or more which are ordinarily appealable to the Privy Council will be appealable either to the Supreme Court or to the Privy Council at the option of the appellant. That is all the change that I wish to make, and I think it is a necessary improvement in the judicial administration of this country.

As regards criminal cases, the jurisdiction of the Privy Council is extremely limited, so limited as to be almost negligible. We wish to clothe the Supreme Court with a real revisional jurisdiction in all criminal cases. Here again we reserve to His Majesty and the Privy Council the power to grant special leave both in civil and in criminal cases for any reason and circumstance as their Lordships may think fit and advisable. In other words, we do not wish to impair the King's prerogative exercisable through the Privy Council. All we desire is, that the Supreme Court constituted in this country should lighten the work of the Privy Council by deciding cases locally which ordinarily are decided by the Privy Council. It has been asked, that if the Supreme Court is established here, what will be its constitution and *personnel*? Now, this is a matter of detail, and I do not wish to load my Resolution with details upon which Honourable Members may differ, but I may generally remark, that so far as the constitution of the Supreme Court is concerned, the majority of the Judges would come from this country, and it would be possible to import two or three Judges from England to strengthen the Bench for the determination of Indian cases, but this is a matter which is not of the essence of my Resolution and, therefore, I would ask the Honourable the Law Member not to consider it as an integral part of it. My Resolution, therefore, is, that this Honourable House should vote in favour of the establishment of a Supreme Court in this country on the lines I have indicated.

**The Honourable the President:** I may remind the Assembly that when this day was set down as a day for Resolutions of non-official Members, I announced that it would be a half-day ending at or about 2 O'clock. Having received no intimation of a general desire to sit beyond that hour, I propose to adjourn at 2 O'clock.

**The Honourable Dr. T. B. Saprú:** Sir, I beg to move the amendment which stands in my name and which runs as follows:

'That for the words 'to establish a Court of Ultimate appeal in India for the trial of civil appeals now determined by the Privy Council in England' and as the court of final appeal against convictions for serious offences occasioning the failure of justice'

the following be substituted, namely:

'To collect the opinions of the Local Governments, the High Courts and other legal authorities and to ascertain public opinion generally as to the desirability of establishing a

supreme court of appeal in India for the trial of civil appeals and its relation to the Privy Council and as to whether such court of appeal should also have any jurisdiction in regard to criminal cases'.

I do not wish to traverse the ground which has been covered by my Honourable friend, Dr. Gour, in his able speech this morning. So far as the constitution of the Privy Council is concerned, it is well known to every lawyer, and I need hardly remind my legal friends, that to the extent to which the Privy Council exercises its judicial jurisdiction on behalf of His Majesty, it is impossible for the Indian Legislature to pass any legislation which may affect that prerogative. That, I hope, will be admitted by every lawyer. Then the Privy Council derives its jurisdiction (apart from the English Acts to which reference has been made by my Honourable friend, Dr. Gour, the Acts of 1833 and 1844) from certain enactments passed by the Indian Legislature. Now, if the Resolution of my Honourable friend, Dr. Gour, is accepted without my amendment, we shall at once be committing ourselves to a step of a very far-reaching character without carefully examining the whole position. It is for that reason, that I have ventured to put forward my amendment in the hope, that it will be accepted, so that we may collect opinions from the various High Courts, bar associations and other persons who are best fitted to express their opinion in a matter of this character. Now, whether ultimately the High Courts and other bodies whom we propose to consult will support the general idea underlying the Resolution of my Honourable friend, Dr. Gour, or whether they will not support it, it is impossible for me to say at the present moment. But, so far as the Government are concerned, they are prepared to address the Local Governments and High Courts on this point and to elicit opinion. When that has been done, we shall be in a position to get a correct idea of the position, and, I think, my Honourable friend, Dr. Gour will then probably think it better to consider this question again. Meanwhile, I think, that so far as the Government are concerned, they are not prepared to commit themselves to any position stronger than that, but I venture to hope, that the position that I am taking to-day will appeal to Dr. Gour and that he will see that in a matter of this character, it is impossible for any Government to give an affirmative reply without taking the utmost possible care to obtain competent opinion in India and in England.

There is one more matter with regard to which I should like to make just a few observations, and that is, if I understood Dr. Gour correctly, that he would enlarge the scope of the court of final appeal so as to enable it to entertain appeals in criminal cases where there has been a failure of justice. Now I do not know what exactly will be the constitution which he will give to this court of appeal. But, as Dr. Gour himself has pointed out, the practice of the Privy Council in regard to criminal appeals has left no room for doubt from the time of *Bille's* case up to now. The principle on which the Privy Council has professed to act is, that criminal appeals cannot go up before it as a matter of right, that it is disposed to interfere in criminal cases only where there has been a gross failure of justice or an abuse of some judicial process. Well, it at once raises a question of great importance, *viz.*, as to whether there should be a further right of appeal in criminal matters. But these are questions which Dr. Gour will not expect the Government to answer at once. These are certainly questions on which the Government are entitled to receive

[Dr. T. B. Sapru.]

guidance from judicial and legal quarters and it is for that reason, that I put this amendment of mine before the House so that we may gain time and be in a better position to give an answer to this question. That is all, Sir.

**Mr. T. V. Seshagiri Ayyar :** Sir, having regard to the amendment moved by the Government, I do not intend to ask this House to allow me to move my amendment. I think the amendment which has been moved by the Honourable Dr. Sapru contains all that is necessary for the purpose of getting my ideas accepted by this House.

Sir, there is only one matter on which I would like to say a few words and it is this. The Honourable Mover almost at the end of his speech referred to the fact, that the majority of judges should be Indians and that there should be English judges also in the Supreme Court of Appeal. Sir, there is a large volume of opinion in this country, that as far as possible the present *personnel* of English judges sitting in the judicial committees should be maintained, that any weakening of that element is likely to be regarded with great disfavour in this country. Because, Sir, there is this factor in having such eminent judges as retired Lord Chancellors hearing appeals from this country, that they have no legal prejudice, there is a breadth and depth of vision which they bring to bear in deciding our cases, having regard to their large practice in England. These cannot be expected of persons who are wholly trained in this country ; and I will say, Sir, this much, and I say it quite impartially, that as far as possible there should be no place for a retired judge of the High Court in the Judicial Committee. I say, that so far as popular opinion is concerned, it is against persons who have spent the best part of their lives in this country being sent up to the Privy Council ; and their views have given greater room for complaints than the judgment of English judges. Now, subject to this limitation, I think that a good case for an inquiry has been made out by Dr. Gour and if Government is prepared to make the inquiry and collect opinion, I think Dr. Gour might very well withdraw his Resolution.

**Mr. Eardley Norton :** I wish, Sir, to say just a few words in regard to this motion. For my part, I welcome it, and I welcome it because I look upon it as a further manifestation of the assertion of that nationalism which it was the object of these reforms to foster and to encourage. There are many objects which have been removed by legislation from our control, upon which an embargo has been placed, such, for instance, as the ecclesiastical, the military and the political departments. They are at present outside our jurisdiction, though I hope that in the years to come my Honourable colleagues in this House will lay their profane hands as well upon those sacred arks. But, at present, the motion with regard to the Supreme Court deals with a subject over which we have particular jurisdiction, namely, over law and legal tribunals, and I think, that it would be idle to assert that if this country is in time to clothe itself with the full powers, privileges and responsibilities of a country entitled to Self-government, it would be idle, I say, to assert, that it shall not possess the right to have its own Supreme Court or final Court of both civil and criminal appeal established in India. That there is plenty of legal intelligence in this country, both Indian and English, of that I am satisfied. More than once the Privy Council have openly complimented the Indian Judges in this country, from the time of

the late Mr. Justice Mahmood of Allahabad down to recent days upon the possession of legal and judicial intelligence not inferior to their own. And I have no doubt whatever, that if and when this Supreme Court comes into existence, we shall find plenty of indigenous talent, English and Indian, to discharge with intellectual credit the grave and varied functions of an accomplished court of final jurisdiction. Some of us, I admit, have at times felt some little doubt as to whether, if this Court is to be manned by a purely Indian element, it could own that complete power of self-detachment and impartiality and inamenable to collateral and outside influences which almost invariably exist at Home. I am one of those, however, who believe that if these qualities do not exist here at present—(a question upon which I do not wish to enter now)—I am one of those who believe that these indispensable virtues will also be acquired in the fullness of time, that Indians in this country will find themselves hardening into the same standard of morality as exists elsewhere and be as immune from accessibility and extraneous considerations and influences as we claim ourselves to be. Of that I have little doubt. They only want time. They want a more comprehensive, a more courteous, a more friendly and trustful treatment by Englishmen to make them feel that the absence of moral backbone is not an inherent and lasting disqualification to their fitness for the highest office. If they do not possess this particular class of virtue, there is no reason to suppose that they will not acquire it at a further stage of their political education. I think they will.

With regard to the question as to what powers should be vested in the contemplated Supreme Court, I do not propose to speak. These will be discussed later on, if and when this matter returns to us at a future period. But, with regard to the question of the criminal side of the question, I have a word or two to say. I do hope, that if the Supreme Court crystallises, its Judges will be invested—I do not say with the right of appeal from the High Courts—but I do trust, that they will be invested with larger powers than at present it is apparently suggested that they should possess. There is a feeling—and I think it is a feeling which is well based—there is a feeling that it is because High Courts are in criminal matters placed in a sphere of almost complete irresponsibility, such not infrequent miscarriages of justice occur. I will only point to two cases with both of which I was myself concerned. In the case of the Queen *versus* Subramanyam, which went to the Privy Council not as a matter of right but under the powers which the Privy Council claim of redressing gross and manifest injustice, the question in England as in India was this: whether or not, where the Criminal Procedure Code distinctly states that a man shall not be charged with more than three charges for offences of the same character, committed within the period of one year, whether, with that statement staring them in the face, High Courts have a right to try him on 43 charges. That particular client of mine was charged with 43 offences alleged to have been committed within a year while the Act said that he could only be charged with 3. The High Court divided upon the point. Oddly enough, the Civilian judges were right and the Barrister judges were wrong. But the Civilians and the Barristers immediately joined forces and said, that whatever judicial view was right or wrong, such a joinder of charges was an irregularity and not an illegality and was therefore curable under section 537, I think, of the Criminal Procedure Code. As a matter of fact and law,

[Mr. Eardley Norton.]

it was a question which went to the very root of the jurisdiction of the court, and that is what the Privy Council held. Had it not been that the appellant had friends who supplied him with the necessary means, he would have been convicted and convicted unjustly. He was acquitted in the Privy Council. A few years later, a man was charged with murder at a place called Pandi near Tanjore. I shall not deal with the evidence or facts at length. But the main evidence in that case consisted of the statement of an approver twice retracted in open court and upon the evidence of witnesses who were obviously false and much of whose testimony was inadmissible. Well, the Sessions Judge convicted the man, I do not know why. The appeal came up to the High Court during the vacation. Only two Judges were available. They heard the appeal during the vacation, and disagreed. They and the accused had to wait until the Judges came back after the vacation. Mr. Justice Sankaran Nair was appointed as the third Judge to dispose of the case, and possibly for the first time in his legal career, that learned Judge went wrong. He said, that Mr. Justice Bakewell was right in deciding that the man should be hanged. He disagreed with Mr. Justice Sadasiva Iyer who found the evidence unreliable. The man then appealed to the Privy Council. The Government of Madras opposed the admission of the appeal, and were told by the Judicial Committee that their opposition to the admission was improper. The appeal was heard on its merits. The Privy Council gave their decision in favour of the appellant, and said, that it was another instance of gross infraction of public justice. They decreed the reversal of the conviction on the ground, that on the face of the proceedings there was evidently an open and flagrant transgression of the plain injunctions of the law. If the accused had not been an extremely wealthy man, the Government of Madras would have hanged him. To cure all this, I venture to think, that as my learned and Honourable friend suggests, if we had a Supreme Court of appeal sitting here on the spot, with Council trained in the law as now, there would be no justification for the allegation that the vindication of innocence depends some times upon the length of the purse and not of the merits of a prisoner. I heartily welcome this proposed improvement in our judicial system as it stands now, and I hope that after the Honourable the Law Member shall have made his researches both here and elsewhere, there will be a sufficient consensus of opinion that the view now put forward is the right and proper one to follow.

**Dr. Nand Lal :** Sir, I have full sympathy with the amendment, subject to this condition that the Royal prerogative and the jurisdiction of the Privy Council remain as at present.

It seems to me, Sir, that the civil law has been, to a certain extent, the favourite child of the legislature. The criminal branch of the law has not been given that facility which the civil branch has been given, and the discussion following will endeavour to prove it to the hilt. In civil cases we find, that there is a right of first appeal under section 96 of the C. P. C. and then if there is a point of law, there is a right of second appeal under section 100 of the same Code. In criminal cases, we find, that there is only one appeal. There is no second appeal in criminal cases at all, whether there has been a miscarriage of justice, or whether there has been a flagrant error of law. There is section 439 of the Criminal Procedure Code which relates to the revisional side of the High Court; and under another section and in some cases, the revisional side of District

Magistrate's Court and Sessions Judge's Court can be invoked. But there is no provision for second appeals in the Code of Criminal Procedure. It is conclusively established, that in the absence of this provision for a second appeal, so far as the criminal administration of law is concerned, there is only one appeal, and if any injustice is done, there is no remedy for it. It has been already examined and discussed by the Honourable Mover, that the Privy Council will not be bound to review any decision given by any criminal court in India. As a matter of right, no convict can approach the Privy Council, but the Privy Council, in the exercise of their discretion, may entertain a petition, but the petitioner has not got any right or privilege in the matter of putting forward his petition. On this score, the establishment of a Supreme Court in India is a very desirable thing. The submission which has been put forward and properly couched in the language of this Resolution, is a commendable one. So far as the civil side is concerned, I quite agree with the arguments advanced by Dr. Gour, that the establishment of a Supreme Court in India will minimise expenses and save time and, moreover, on the top of it, litigants will be afforded the opportunity of giving their directions to their solicitors personally. With these few remarks, I support the amendment.

**Dr. H. S. Gour:** I have very great pleasure in accepting the amendment of the Honourable Law Member, and in doing so, I wish just to say two words. One is the remark of my learned friend, Mr. Percival, who says that India is the only country in the world which has not got a Supreme Court. I hope the Honourable Law Member will remember that. The second thing is, that reference to the Local Governments, the High Courts and Law Associations is at times apt to be dilatory, and I, therefore, ask the Honourable Law Member to treat this as an urgent matter. He must remember, that we are here laying the foundation stone of a great superstructure in which will be installed British justice, and we, therefore, desire that the work should be completed as early as possible. I, therefore, request the Honourable Law Member to treat this as an urgent or extra urgent motion and send it round to the Local Governments and High Courts and other dignitaries whom he wishes to consult, so that our plans may be ready and mature before the next autumn, and I hope that by the next Simla session when we meet, the Honourable Law Member will come forth with beaming smiles and say, 'Your Supreme Court is ready and you may now enter it.'

**The Honourable the President :** The question is :

• That the original\* Resolution be amended† as suggested by the Honourable Dr. Sapru..

The motion was adopted.

**The Honourable the President :** The question is :

• That the following Resolution be adopted :—

• This Assembly recommends to the Governor General in Council to be so pleased as to take early steps to collect the opinions of the Local Governments, the High Courts, and other legal authorities and to ascertain public opinion generally as to the desirability of establishing a supreme court of appeal in India for the trial of civil appeals and its relation to the Privy Council and as to whether such court of appeal should also have any jurisdiction in regard to criminal cases.

The motion was adopted.

\* *Vide* page 1606 of these Debates.

† *Vide* page 1611 of these Debates.

## THE ENEMY MISSIONS BILL.

## MESSAGE FROM THE COUNCIL OF STATE.

**Honourable the President :** I have received a Message from the Secretary of the Council of State to the following effect :

‘ I am directed to inform you that in accordance with Rule 36 (1) of the Indian Legislative Rules, the amendment made by the Legislative Assembly in the Enemy Missions Bill, namely, the substitution in the fifth line of clause 13 of the Bill of the words ‘ have been ’ for the word ‘ be,’ was taken into consideration by the Council of State at its meeting to-day and that the Council of State has agreed to the amendment.

H. MONCRIEFF SMITH,

*Secretary of the Council of State.*

The Assembly then adjourned till Monday, the 28th March 1921.

# LEGISLATIVE ASSEMBLY.

Monday, 28th March, 1921.

The Assembly met in the Assembly Chamber at Eleven of the Clock. The Honourable the President was in the Chair.

## STATEMENTS LAID ON THE TABLE.

**Mr. S. P. O'Donnell:** I lay on the table the information promised in reply to a question by Mr. Mahmood Schammad Sahib Bahadur on the 5th March 1921, regarding the recruitment of Muhammadans in the Government of India Secretariat and offices attached thereto.

*Statement showing the number of Assistants and Clerks permanently employed in the Ministerial Staffs of the various Departments of the Government of India Secretariat (and attached offices) classified according to communities or nationalities.*

Departments (including attached offices)	Europeans and Anglo-Indians.	Indian Christians	Hindus (including Sikhs and Parsis)	Muhammadians.	Total
Home (i)	49	1	66	38	154
Foreign and Political	41	2	37	8	88
Finance (ii)	5	4	41	7	57
Education	9	2	56	22	89
Commerce	19	5	322	20	366
Revenue and Agriculture	21		169	10	230
Legislative (iii)	13	1	22	10	46
Public Works	11		24	7	42
Railway (Railway Board)	18	2	51	6	77
Army	255		216 (iv)	44	545
Industries (v)	6		146	56	208
Financial Adviser, Military Finance.	2		54	3	59
Total	449	17	1,234	261	1,961

(i) Including 10 provisionally permanent men in the Home Department and also the Government Examiner of Questioned Documents in the Office of the Director, Intelligence Bureau.

(ii) Excluding the offices of the Comptroller and Auditor General and of the Controller of Currency which are not at present recruited for through the Staff Selection Board.

(iii) In addition to the assistants and clerks shown above there are three Muhammadan translators out of four in the Translation Branch.

(iv) All Indians other than Muhammadans

(v) Excluding staff which is at present temporary but is likely to be made permanent, as permanent arrangements have not yet been made. Also excludes Mines Department, Office of the Controller of Printing, Stationery and Stamps and the Government Central Press, Calcutta, complete information regarding which has not been furnished.

**Mr. H. Sharp:** I lay on the table the information promised in reply to a question by Khan Bahadur Sarfaraz Hussain Khan on the 8th March 1921, regarding the student population of British India in Government and Government aided colleges and schools, the number of students of these institutions who have withdrawn and the number of students who have returned to their colleges and schools.



*Statement giving the information promised in reply to a question by Khan Bahadur Sarfaraz Hussain Khan on the 8th March 1921, regarding the student population of British India in Government and Government aided colleges and schools, the number of students of these institutions who have withdrawn and the number of students who have returned to their colleges and schools.*

Presidency or Province	Institutions.	Student population of institutions mentioned in column 2.	NUMBER OF SCHOLARS.	
			With- drawn.	Returned.
1	2	3	4	5
Madras . . . .	Government and Government aided colleges and secondary schools.	171,111	820 (Till 4-3-21.)	No accurate figures available, but it is anticipated that large numbers will return shortly.
Bombay . . . .	Information not yet received.	Ditto.		
Bengal . . . .				
United Provinces . .	Government and State aided colleges and schools	49,171	2,626	789
Punjab . . . .	Government and Government aided colleges and schools.	1,11,078	1,309	481
Burma . . . .	Ditto	36,875+	13,031+	797‡
Bihar and Orissa . .	Government and Government aided colleges and high schools.	23,190	1,826§	Information not available. Many withdrawals are only temporary, and general tendency is to return.
Central Provinces . .	Government and aided colleges, secondary schools and special schools.	71,759	1,824	451
Assam . . . .	Government and Government aided colleges and high schools.	12,186 (In January 1921.)	1,139¶	356
North-West Frontier Province.	Arts colleges, training institutions and public schools.	41,342¶	Nil	...
Coorg . . . .	Government and aided schools.	7,564	Nil	...
Delhi . . . .	Government aided colleges and schools.	10,398	345	47
Administered Areas . .	Government and Government aided colleges and schools.**	27,546	226	23

\* Exclusive of figures for European and vernacular schools as they are not affected by the strike.

† Of this number 497 were genuine strikers and the remainder waverers or intimidated.

‡ Of this number 115 were waverers.

§ Number of students who have withdrawn and have not returned. Information regarding temporary withdrawals not available. Nor regarding Government and Government aided middle schools.

¶ Approximately. Government and Government aided primary and middle schools are with one or two exceptions entirely unaffected.

\*\* Save for temporary suspension of work in two instances there have been no strikes.

\*\* European schools are unaffected.

**Mr. S. P. O'Donnell:** I lay on the table the information promised in reply to a question by Mr. K. G. Bagde on the 21st March 1921, regarding the additional expenditure involved consequent on the revision of the pay of officers of the Indian Medical Service in civil employ.

The approximate additional expenditure involved by the recent revision of the pay of officers of the Indian Medical Service in civil employ is as follows:

	Rs.
(a) Annual additional expenditure . . . . .	9,98,047
(b) Additional expenditure for period 1st January 1920 to the 31st March 1921 . . . . .	9,20,456

The figures are for the whole of India, and (b) is less than (a), probably because of the depletion of the officers of the service in civil employ.

**The Honourable the President:** Before calling the first on the list of questions, I wish to put to the Assembly a point which I think it is necessary to settle before we embark on the business of this sitting. If we go through questions individually to-day, we shall spend the full hour allotted to them under the rules. That hour, I imagine, the Assembly would probably think more usefully spent if we could begin immediately on what is to be the main business of the sitting, namely, the Resolutions arising out of the Committee on the Esher Report. Unless there is any strong feeling in the Assembly against it, therefore, I propose to ask Members of Government answering questions to lay the answers on the table formally to be printed in the report of the proceedings. I am prepared to hear any argument to the contrary which any Member cares to advance.

**Khan Bahadur Sarfaraz Hussain Khan:** Do I understand that we are going to discuss the Esher Committee's Report now?

**The Honourable the President:** The question of the Report has not yet come up. I have simply suggested to the Assembly that for the purpose of expediting business it is desirable to take Questions and Answers as read, the Government Members depositing the answers on the table,—unless there are questions of great urgency which a Member of the Government might think it desirable to answer publicly here, seeing this is the last session of the Assembly.

**The Honourable Dr. T. B. Sapru:** Sir, on behalf of the Government I shall ask you to let me read the answer to one question which is of great political importance. May I read that, Sir? Question No. 680. I take it that the question has been put, Sir, and I am answering it.

680. **Mr. Syed Nabi Hadi:** (a) Has the attention of the Government been drawn to a statement published from the *Aman Afghani* in the *Zemindar* of Lahore, dated 25th February 1921, page 2, column 2, under the heading of *Sarzamin Iraq men ek Alam bardar Horriat ka Intiqal*?

(b) How far is the news of the bombardment of Najaf-i-Ashraf true?

(c) What was the cause of the death of Syed Hujjat-ul-Islam Hazrat Shariat Ispahani?

(d) Will the Government be pleased to give a full and accurate statement about these facts mentioned in the said newspapers?

**The Honourable Dr. T. B. Sapru** (on behalf of the Honourable Mr. Denys Bray) : (a) Yes.

(b) There has been no bombardment of Najaf-i-Ashraf.

(c) Hazrat Shariat Ispahani died of extreme old age after a long illness.

(d) The lying rumours that Najaf has been bombarded have presumably arisen out of the fact that a fine of three thousand rifles was imposed on the inhabitants of Najaf in connection with the disturbances in Mesopotamia last year. A time-limit was fixed for the surrender of these rifles, and expired on the 20th November. As a demonstration, designed to secure the early surrender of the rifles, a composite force of British and Sikh infantry and Muhammadan cavalry marched round the outskirts of the town, whereupon all troops were withdrawn, except two companies of British infantry who were posted in a Khan near the main gate for two days, while Sikh guards were posted at the four gates of the outer walls for ten days. The town itself was placed absolutely out of bounds to all troops and not even British officers were allowed to enter it. There was no bombardment whatever; not a single shot was fired, and the only damage done was the demolition, on the 20th November, of the houses of three prominent insurgent leaders who had fled. These measures had the desired effect. At the instance of the Government of India the High Commissioner of Mesopotamia has extended a welcome to a deputation of Shias from India and will afford them all facilities to ascertain the facts for themselves on the spot, and so help in dispelling the lying rumours that have been spread abroad with such wanton wickedness.

### QUESTIONS AND ANSWERS\*.

#### INCONVENIENCE IN SOUTH INDIAN RAILWAY.

604. **Mr. Mahmood Schamnad Sahib Bahadur** : (a) Is the Government aware :

(i) that the South Indian Railway is a very irregular railway and that their trains are almost always late causing so great inconvenience to the travelling public that 'South Indian Railway' is generally interpreted as 'slow irregular railway'?

(ii) that in the South Indian Railway very often separate compartments for females are not reserved and hence female passengers are put to great inconvenience?

(b) If so, do the Government propose to take steps to set right the defects enumerated in (i) and (ii).

**Colonel W. D. Waghorn** : I cannot admit the accuracy of the Honourable Member's suggestion in the first part of his question, and I would remind him that the South Indian and other railways have not yet recovered from the effects of the war period.

With regard to the second part of his question, the South Indian Railway provides separate accommodation for ladies in the first and second classes on all trains advertised to carry first and second class passengers, provided that 24 hours' notice is given to the Station Master of the station from which the train starts. I hope that all the railways will be able to give better accommodation when we receive new additional rolling stock for our railways.

\* Questions were taken as put, and answers as read and laid on the Table.

MANGALORE MAIL TRAIN.

605. **Mr. Mahmood Schamnad Sahib Bahadur:** (a) Is the Government aware that the Mangalore Mail running to and from Madras has discontinued stopping at Kanhangod, an important station containing Deputy Tahsildar's office, Sub-jail and many other public offices, and consequently much inconvenience is caused to the public and repeated representations from the people and officers concerned had no effect?

(b) If the answer is in the affirmative, do the Government propose to issue instructions to the authorities concerned to stop the train at Kanhangod again?

**Colonel W. D. Waghorn:** The Up and Down Mangalore Mails ceased stopping at Kanhangod in June 1920, owing to the small traffic offering and stops were made instead at Manjeshwar at the request of local authorities. In December 1920, the Kanhangod stop was restored in the case of the Up Mail for the convenience of long distance passengers, but the Down Mail has continued to run through. This matter will, however, be brought to the notice of the Agent.

DINING CARS IN THE SOUTH INDIAN RAILWAY.

606. **Mr. Mahmood Schamnad Sahib Bahadur:** Do the Government propose to direct that dining-car and intermediate class accommodation be provided in the South Indian Railway?

**Colonel W. D. Waghorn:** The Honourable Member is referred to the replies given to Mr. M. Krishnaswamy Reddiyar on the 2nd March 1921, regarding restaurant cars and to Rai Bahadur Pandit Jawahar Lal Bhargava on the 14th March 1921, regarding intermediate class accommodation on railways.

INCOME-TAX ASSESSEES.

607. **Mr. Mahmood Schamnad Sahib Bahadur:** Will the Government be pleased to state:

(a) the number of income-tax assesses assessed last year on the minimum assessable income of Rs. 2,000?

(b) the number of the assesses who were assessed on an income of Rs. 1,000 and above up to Rs. 2,000 and on Rs. 2,000, respectively, for the last year of the period when the assessable minimum income was Rs. 1,000? and

(c) the number of those who were assessed on an income of Rs. 500 and upwards up to Rs. 1,000 and on Rs. 1,000, respectively, for the last year of the period when the assessable minimum income was only Rs. 500 in the districts of South Kanara, Malabar and the Nilgiris, respectively?

**The Honourable Mr. W. M. Hailey:** The Madras Government is being asked if the information is available and if it is, it will be sent to the Honourable Member.

LICENCES UNDER NEW ARMS RULES.

608. **Mr. Mahmood Schamnad Sahib Bahadur:** Will the Government be pleased to lay on the table a statement in the following form showing the

number of licences issued in 1920 to Indians and Europeans under the new Arms Rules and subsequent exemptions granted and consequent refunds of fees under the new rules :

Number of Licence.	Revolvers.		Other breech-loading guns.		Revolvers.		Other breech-loading guns.	
	Number	Licence fee paid.	Number	Licence fee paid	Exemption after licence	Licence fee re- funded	Exemption after licence.	Licence fee re- funded
								For Indians.
								For Europeans and Anglo-Indians.

**Mr. S. P. O'Donnell:** The Government of India are not in possession of the information asked for by the Honourable Member, and they doubt whether Local Governments would be able to supply it at present, as the annual reports of the administration of the Arms Act have probably not yet been received. The information is, however, being collected from Local Governments and Administrations and will be given to the Honourable Member when available.

#### POLICY OF REPRESSION BY LOCAL GOVERNMENTS.

609. **Mr. B. H. Jatkari:** (a) Is the Government of India aware that a policy of repression has recently been undertaken by the various Local Governments, resulting in a series of prosecutions under the preventive and substantive provisions of the Criminal Law?

(b) Is the said policy of repression followed by the Local Governments on their own initiative or under instructions from the Government of India?

(c) In the latter case, will the correspondence in this connection be laid on the table?

**Mr. S. P. O'Donnell:** I would refer the Honourable Member to the debate which took place on the 23rd in this Assembly.

#### REPRESSION AGAINST TEMPERANCE MOVEMENT.

610. **Mr. B. H. Jatkari:** (a) Is the Government of India aware that there is repression in the Central Provinces and Berar and that this repression is due to Abkari sales and is directed against the Temperance movement?

(b) Is the Government of India aware that in spite of its avowed intention to reduce the drink evil, it is taking firm root, and is tolerated and even encouraged by the Local Governments for the purposes of their revenues?

**Mr. S. P. O'Donnell:** The answer to both parts of the question is in the negative.

DRINK EVIL IN INDIA.

611. **Mr. B. H. Jatkari:** (a) Will the Government of India once for all, lay down its definite policy regarding the total abolition of the drink evil in India?

(b) Are the Government prepared to undertake all India legislation in the near future to stop this evil?

**Mr. C. A. Innes:** Excise is now a provincial and a transferred subject in most of the Provinces in India, and the Local Governments and the local legislatures are competent to deal with all questions arising out of the administration of this subject and also to undertake legislation in connection therewith. The powers of superintendence, direction and control by Governor General in Council over transferred subjects are strictly limited by Rule 49 of the Devolution Rules, and the Government of India cannot initiate any legislation on these subjects nor do they propose to interfere with the discretion vested in the Local Governments by law.

BULLETINS OF INDIAN INDUSTRIES AND LABOUR.

612. **Mr. A. B. Latthe:** (a) Do the Government of India propose to publish their Bulletins of Indian Industries and Labour in the principal vernaculars of India so as to enable the commercial and labouring classes in the country, who are deficient in their knowledge of the English language, to avail themselves of the Government's efforts in their interest?

(b) If the Government of India consider this impracticable or inexpedient, are they prepared to advise the Local Governments to consider the question in respect of each province?

**The Honourable Sir Thomas Holland:** The Government of India have already brought to the notice of Local Governments a suggestion that important articles in the Journal of Indian Industries and Labour should be translated and published by Local Governments for the benefit of that section of the public which is literate only in one or more Indian languages. As regards the Bulletins of Indian Industries and Labour, the Government of India are not in a position to publish them in the principal vernaculars, but it is open to any Local Government to issue translations of any or all the Bulletins. A copy of the Honourable Member's question and this reply will be forwarded to Local Governments for their information.

INDIAN TRADE AGENTS IN FOREIGN COUNTRIES.

613. **Mr. A. B. Latthe:** Has the Government decided to appoint Indian trade agents in the countries with which India has trade relations? If so, is it proposed to appoint Indians in preference to non-Indians, to those posts?

**Mr. C. A. Innes:** I would refer the Honourable Member to the reply given by me in this Assembly on the 17th February to a similar question asked by Mr. Manmohandas Ramji.

CUTLERY FROM INDIAN STEEL.

614. **Mr. A. B. Latthe:** (a) Is it a fact that the Honourable Sir Thomas Holland, as President of the last Conference of Directors of Industries,

suggested that 'we might get a European firm to settle in India and manufacture in this country' cutlery from Indian steel?

(b) Do the Government propose to see that before any European firm is invited to undertake any industrial manufacture in India, every care will be taken to find out if Indian Industrialists are available for the purpose?

(c) Are the Government prepared, in this connection, to obtain the advice of the Legislative Assembly, or the Indian Ministers in the Provinces before any concession or facility to start any industry in India is given or offered to any foreign non-Indian firm?

**The Honourable Sir Thomas Holland :** (a) Yes.

(b) and (c). The Honourable Member is doubtless aware that the development of industries is a provincial transferred subject. It therefore rests entirely with Ministers to decide what steps should be taken to encourage the establishment of any industry in India. I may, however, point out to the Honourable Member that the words of mine which he has quoted when extracted from their context give an erroneous impression of their meaning. The subject of the discussion in question was the various steps that should be taken to improve the indigenous cutlery industry. I made the suggestion to the Conference that in order to develop the Indian industry, three courses were possible :

(1) We might get a European firm to settle in India and manufacture in this country ; or

(2) We might get information with regard to the cost of up-to-date plant, and, if so advised, start a pioneer factory in India ; or

(3) We might import a master cutler and employ him in helping persons carrying on the industry in its present form.

I did not express an opinion as to which of those three courses was preferable in the case of this industry and the suggestion made in the question is thus misleading. Obviously one of the ways, and sometimes the only way in which to establish a new industry in India is to get an experienced firm from a country where the industry has already reached a high state of perfection to settle here, and if special facilities are required, the policy of the Government of India has been to insist on local registration, rupee capital and the representation of Indian interests on the Board. Ministers are of course at liberty to impose any conditions they like when special concessions are demanded.

#### CAPITAL ACCOUNT AND PROGRAMME REVENUE ACCOUNT.

615. **Mr. A. B. Latthe :** (a) Will the Government be pleased to state what amounts were spent in each year since 1913-14 (including that year) on (1) Renewals of Permanent-way, and (2) Renewals of locomotives and rolling stock from Capital Account and Programme Revenue Account, respectively?

(b) Will the Government also state the principles on which the Renewals charged to Revenue and the Renewals charged to Capital are distinguished from one another?

**Colonel W. D. Waghorn :** (a) It is not possible from the recorded accounts to separate the figures for renewals of permanent way and rolling stock in the way asked.

(b) The principle followed in such matters is that renewals containing no element of improvement are charged to revenue. In the case of renewals involving improvements, capital is charged to the extent of the betterment involved and the balance is charged to revenue.

#### HOSTILE FOREIGNERS INTERNED IN INDIA.

616. **Mr. K. G. Bagde:** (a) What was the total number of hostile foreigners with their respective nationalities interned in India since the commencement of the war to the end of the year 1920?

(b) At what places were such hostile foreigners kept and what was their number at each place?

(c) How many hostile foreigners (if any) are interned at present, and at what places?

(d) What is the total amount of expenditure incurred for all hostile foreigners interned in India since the beginning of the war, to the end of the year 1920?

**Mr. S. P. O'Donnell:** The information asked for by the Honourable Member is being collected and will be supplied to him when obtained.

#### PANCHAYAT SYSTEM IN INDIA.

617. **Babu A. P. Sinha:** Will the Government be pleased to state whether it has given effect to the recommendations of the Report of the Royal Commission upon Decentralization in India about the introduction of the Panchayat System contained in Volume I, paragraphs 699, 701, 705, 706, 708, 710, 711, 712, 716, 717, 718 and 720; and with what results?

**Mr. H. Sharp:** The Honourable Member is referred to paragraphs 37—39 and 20—24, respectively, of the Resolutions of the Government of India on Local Self-Government, dated the 28th April 1915 and 16th May 1918. Separate Acts have been passed by the Governments of Madras, Bombay, Bengal, United Provinces and Central Provinces for the introduction of the Panchayat system. The Government of Assam have inserted provisions in the Assam Local Self-Government Act, 1915, for the constitution of village panchayats. The Government of India are not in a position to gauge the results of the legislation which has been passed and it is suggested that the Acts alluded to have not been in operation for a sufficient time to permit of a judgment being formed. As the Honourable Member is aware, Local Self-Government is now a provincial transferred subject.

#### BILL FOR PROTECTING CATTLE IN INDIA.

618. **Rai Bahadur S. P. Bajpai:** Will Lala Girdhari Lal Agarwala be pleased to lay on the table a copy of the Bill for protecting cattle in India of which notice for introduction was given by him in February last, together with the correspondence which he had with the Government on the subject?

**Lala Girdhari Lal Agarwala:** The Cattle Protection Bill with Objects and Reasons as well as copies of the following correspondence on the subject is laid on the table:

1. My letter to the Secretary, Legislative Assembly, dated 16th February 1921.



2. Reply by the Secretary, Legislative Assembly, dated 18th February 1921.
3. Letter from the Secretary, Legislative Assembly, dated 24th February 1921.
4. My letter to the Private Secretary to His Excellency the Viceroy, dated 27th February 1921.
5. My letter to the Private Secretary to His Excellency the Viceroy, dated 28th February 1921.
6. My letter dated 1st March 1921.
7. Letter from the Secretary, Legislative Assembly, dated 7th March 1921.
8. My letter dated 12th March 1921.
9. My letter dated 23rd March 1921, supported by a large number of Honourable Members of the Legislative Assembly.

I also lay on the table copy of a memorial dated 25th February 1921 to His Excellency the Viceroy by the All-India Cow Conference Association, Calcutta, as it has a strong bearing on the subject referred to in the question :

*A Bill to provide for the protection of milch and agricultural cattle.*

WHEREAS it is expedient to prevent the indiscriminate destruction of milch and agricultural cattle in India. It is hereby enacted at follows :

1. This Act may be called 'The Cattle Protection Act, 1921' and it shall come into force at once.

Interpretation clause.

2. In this Act, unless there is anything repugnant in the context—

*Milch cattle* means and includes cows and buffaloes which are capable of calving and bulls which are fit for breeding purposes. It also includes their young ones.

*Agricultural cattle* means and includes such cattle as are generally used in India for purposes of agriculture and includes their young ones.

3. It shall be unlawful to :

- (a) slaughter, kill or otherwise destroy any milch or agricultural cattle for purposes of food, bones or hide,
- (b) directly or indirectly destroy or abandon the young one of any such animal with the intention and knowledge and under the circumstances that the said young one would not live if so abandoned or wilfully neglect any such young one,
- (c) export any such animal out of India except for cross-breeding purposes under special licence,
- (d) engraft or substitute any portion of one animal over another or otherwise maim or disfigure any such animal except for medicinal purpose,
- (e) milch any cattle by any artificial means which is likely to injure the health, strength or future milching possibility of such animals,

(f) or do any other act which has the effect directly or indirectly of materially damaging the animal in health, usefulness, normal life and normal breeding and milching.

The certificate of a qualified medical man as to any of the matters contained in this Act shall be conclusive proof of the matters certified.

Export licences may be granted under this Act on condition that the exporter will import into India within a given time a certain number of cattle which shall not be less than and not less useful than the cattle exported.

Any person found guilty of any offence under this Act or abetment thereof shall, on first conviction, be fined rupees one hundred for each head of cattle in respect of which the offence is committed and on subsequent convictions to imprisonment of either description which may extend to 3 months in addition to the said fine.

#### STATEMENT OF OBJECTS AND REASONS.

The principles underlying the Bill are given below. India is a country which greatly depends on agriculture. It is necessary to have ample supply of bullocks for purposes of irrigation and ploughing at reasonable rates. The price of bullocks has gone up very much during the past few years and large tracts of land remain uncultivated for want of agriculture cattle. Engine ploughs do not suit Indian conditions.

The Indian population depends to a great deal upon milk and ghee both of which have become dear. Infant mortality in India is daily increasing and I think it is due to low vitality for want of sufficient supply of pure milk.

It is therefore necessary to check indiscriminate slaughter of useful cattle in the country.

In some places, I am told, young ones of milch cattle are destroyed just at the time of birth, to economise milk which may otherwise be required to bring them up. This is a loss to the country and must be prevented.

Further, I am told, that in some parts of the country, especially in Calcutta, there is a system of milching called *Phooka* which brings out milk under very painful circumstances and injures the animal to a great extent particularly as to their future possibilities of breeding and milching.

Certain people transplant some limb of one animal over another for purposes of exhibition and rob the world in the name of Hindu religion. They pretend that the said animal was born like that and deserves special consideration and respect from a Hindu point of view. As a matter of fact, such artificial operations on animals are a sin and Hindus who have come to know of this feel very strongly about it and want the practice to be stopped.

I am encouraged in introducing this Bill on economic grounds alone and I do so with great pleasure and when the Bill is passed into law, I will consider it a proudest day of my life. I am sure that I am truly voicing forth the feelings of Indians in introducing this Bill.

DELHI;

*The 16th February 1921.*

GIRDHARILAL AGARWALA.

*Letter from Lala Girdhari Lal Agarwala, M.L.A., to the Honourable Mr. H. Moncrieff Smith, C.I.E., I.C.S., Secretary of the Legislative Assembly, dated Delhi, the 16th February 1921.*

If my name comes out in the ballot, I shall beg leave to introduce the Bill regarding protection of cattle at the earliest possible opportunity.

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*From the Honourable Mr. H. Moncrieff Smith, C.I.E., I.C.S., Secretary of the Legislative Assembly, to Lala Girdhari Lal Agarwala, M.L.A., No. 1109-A. C., dated the 18th February 1921.*

With reference to your letter dated the 16th instant, intimating your intention to move for leave to introduce your Bill regarding the protection of cattle at the earliest possible opportunity, I am directed to invite your attention to Rule 19 (f) of the Indian Legislative Rules (See paragraph 64 of the Manual of Business and Procedure) under which one month's notice of a motion for leave to introduce a Bill is required, and to point out that under the rule no motion for leave to introduce your Bill can be made until after the expiry of one month, i.e., not before the 15th March. In these circumstances it will be necessary for you to take a number in the next ballot.

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*From the Secretary of the Legislative Assembly, to Lala Girdhari Lal Agarwala, M.L.A., No. 1215-A.C., dated Delhi, the 24th February 1921.*

I am directed to acknowledge the receipt of your letter dated the 16th instant and enclosures, notifying your intention to move for leave to introduce in the Legislative Assembly a Bill to provide for protection of milch and agricultural cattle.

2. I am to invite your attention to section 67(2)(b) of the Government of India Act and to point out that your Bill requires the previous sanction of the Governor General. I am accordingly to request you to apply for and obtain the previous sanction of the Governor General to the introduction of the Bill as Rule 19 (2) of the Indian Legislative Rules requires that a copy of such sanction shall be annexed to the notice sent by you.

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*From Lala Girdhari Lal Agarwala, M.L.A., to the Private Secretary to His Excellency the Viceroy and Governor General, dated Delhi, the 27th February 1921.*

I desire to have an interview with His Excellency at an early date when it can be suitably arranged.

I have, on 16th February, given notice to the Secretary, Legislative Assembly, of my intention for leave to introduce the Cattle Protection Bill. The Secretary, Legislative Assembly, informs me that under section 67(2)(b) of the Government of India Act, the leave of the Governor General is required before the Bill can be introduced. I therefore request you to get my proposed Bill with Objects and Reasons beforehand from the Legislative Department and lay the same before His Excellency for the necessary sanction if the same be at all deemed necessary, as I maintain, that such sanction is not required inasmuch as the proposed Bill does not affect the religion of

the Muhammadans. It aims at indiscriminate destruction of useful cattle for food, bones and hide. My proposed Bill is in accordance with the policy of the Government declared in answer to Honourable Mr. Khaparde's question No. 18 (Gazette of India, Oct. 2, pages 1201-2). I hope, the passing of this Bill will greatly popularise the Government of His Excellency Lord Chelmsford at the eve of his departure. The matter is very important and urgent and I hope His Excellency will kindly see his way to accord the necessary sanction and allow the matter to be put up just when the period of notice expires. I wish the Bill to be passed into law and sanctioned by Lord Chelmsford himself.

This is the only matter which I want to discuss with His Excellency. But if His Excellency has already seen the papers and can grant my request without interview, I can pay my respects to His Excellency later on.

I shall feel obliged if you will lay this matter before His Excellency as soon as possible.

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*From Lala Girdhari Lal Agarwala, M.L.A., to the Private Secretary to His Excellency the Governor General, dated Delhi, the 28th February 1921.*

I pray that His Excellency the Governor General may be pleased, under Rule 18, section 63, printed at page 22 of the Manual of Business and Procedure in the Legislative Assembly, to order the publication of my Bill to provide for Protection of Cattle together with the Statement of its Objects and Reasons, copy of which I have sent to the Secretary with the usual notice on 16th February 1921, in the Gazette, to save time, so that it may be possible to pass the Bill in both Chambers during the régime of His Excellency Lord Chelmsford.

I also pray for sanction of His Excellency the Governor General in accordance with section 67 (2) (4) of the Government of India Act, to comply with the provisions of Rule 19 (2) of the Indian Legislative Rules as the Secretary of the Legislative Assembly has asked me to obtain the same so that a copy of such sanction may be annexed to my notice. Personally I think, that no such sanction is needed as the proposed Bill does not affect any religion. In any case, there is no harm in obtaining the sanction and approval of His Excellency but all good will come out of it.

Most humbly and respectfully, I beseech His Excellency the Governor General to be pleased to treat this measure with special consideration and be further pleased to pass favourable order to enable the Bill to be passed soon.

I am anxious to pay my respects to His Excellency whenever His Excellency may be able to spare time.

Hoping to be excused.

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*From Lala Girdhari Lal Agarwala, M.L.A., to the Secretary, of the Legislative Assembly, dated Delhi, the 1st March 1921.*

In order to remove your objection, I am willing to add a provision to my Cattle Protection Bill as follows :

‘ Nothing is an offence under this Act, which is done for a religious purpose.’

*From the Honourable Mr. H. Moncrieff Smith, C.I.E., I.C.S., Secretary of the Legislative Assembly, to Lala Girdhari Lal Agarwala, M.L.A., No. 1454-A.C., dated the 7th March 1921.*

I am directed to acknowledge the receipt of your letter dated the 28th February, addressed to the Private Secretary to His Excellency the Viceroy on the subject of your Cattle Protection Bill and your subsequent letter dated the 1st March in which you state that you are willing to add a provision in the Bill in the following terms :

‘ Nothing is an offence under this Act which is done for a religious purpose.’

2. In reply, I am to state that as the proposed new clause involves a change of substance in the Bill it will be necessary for you to withdraw your original Bill and give notice of the new Bill. In the circumstances, I am to request that I may be informed whether you wish the Government of India to consider your original Bill and the requests made in the letter dated the 28th February or whether it is your intention to give notice of a new Bill with the insertion of the clause proposed by you.

*Letter from Lala Girdhari Lal Agarwala, M.L.A., to the Honourable Mr. H. Moncrieff Smith, C.I.E., I.C.S., Secretary of the Legislative Assembly, dated the 12th March 1921.*

In reply to your letter No. 1454-A.C., dated 7th March 1921, re my Cattle Protection Bill, I request the Government of India to consider my original Bill, notice of which will expire on 16th instant. I request, in deference to the ruling of the Honourable the Law Member, that permission may be granted to me to introduce the same. If such permission is refused, it will be open to me to give notice of an amended Bill.

I request you to kindly treat this as urgent.

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*Letter from Lala Girdhari Lal Agarwala, M.L.A., dated the 3rd March 1921.*

I pray that His Excellency the Governor General be pleased to grant me leave to move for introduction of my Cattle Protection Bill under section 67(b) of the Government of India Act, and I might be permitted to move for its introduction on any day in this session of the Legislative Assembly, or in the alternative, publication of the Bill in the Gazette be ordered under section 63 of the Legislative Assembly Manual.

*Support introduction of the Bill—*[ (Sd.) B. Venkatapatiraju, P. V. Srinivasa Rao, M. K. Reddiyar, Baba Ujagar Singh Bedi, K. G. Bagde, A. B. Latthe, K. C. Neogy, P. Lal, P. L. Misra, B. H. Jatkar, Mahadeo Prasad, Man Singh, Radha Kishan Das, Nand Lal, B. P. Singh, J. L. Bhargava, N. C. Sircar, Jannadas Dwarkadas, T. V. Seshagiri Ayvar, G. C. Nag, T. P. Mukherjee, J. N. Majumdar, J. N. Mukherjee, B. S. Das, Gajjan Singh, Gulab Singh, S. C. Sen, Syed Nabi Hadi.]

To

HIS EXCELLENCY THE RIGHT HONOURABLE FREDERICK JOHN  
NAPIER THIESIGER BARON CHELMSFORD, P.C., G.C.M.G.,  
G.M.S.I., G.M.I.E., G.B.E., VICEROY AND GOVERNOR GENERAL OF  
INDIA.

MAY IT PLEASE YOUR EXCELLENCY.

The humble memorial of the President,  
Vice-Presidents and Members of the  
All-India Cow Conference Association,  
Calcutta,

MOST RESPECTFULLY SHEWETH :

1. That India is pre-eminently an agricultural country in which about three-fourths of the population depend for their living upon agriculture (Appendix A), but the cattle of the country which form the life and soul of agriculture, are deficient both in number and in quality.

2. That the number of cattle in the country is inadequate, as is evident from a comparison of the proportion of cattle to population in India with that in other agricultural countries of the world : thus while the number of cattle per 100 of population in India is only 59, it is 74 in Denmark, 79 in the United States of America, 80 in Canada, 120 in Cape Colony, 150 in New Zealand, 259 in Australia, 323 in the Argentine Republic and 500 in Uruguay (*vide* Appendix B). And in this connection Your Excellency's memorialists beg to point out that the recent communiqué issued by the Director of Informations, Bengal, is misleading, as it deals only with the number of cattle of India and other countries and does not take into account the proportion of cattle either to the population or to the acreage under cultivation.

3. That the number of bulls and bullocks is not sufficient to bring properly under cultivation the arable land of the country. The maximum area which a pair of Indian plough-cattle can till during a season is 5 acres ; the cultivated area in British India is about 228 million acres, and the total number of plough-cattle is about 49 millions (Appendix C) ; deducting 25 per cent. for draught and other like purposes, and 25 per cent. as old, infirm, sick and immature, there remain only about 24 millions of cattle available for cultivating about 228 million acres, that is to say, a pair of cattle has to till about 19 acres, whereas this would require in the ordinary course 4 pairs of cattle. This in a large measure accounts for the poor outturn of crops in India as compared with that of other countries (*vide* Appendix D).

4. That the number of milch-cattle is also scarcely enough to supply one-eighth of the present population of India with a fair quantity of milk ; taking the average yield of milk of the Indian cow to be 2 pints per head per day for 7 months, the milk that is produced by 50 millions of milch-cattle per day for the 254 million people comes to about 60 million pints per day, that is to say, each individual gets less than  $\frac{1}{4}$  of a pint whereas the need per individual is reckoned at 2 pints a day (*vide* Appendix C).

5. That the quality of all kinds of cattle has very much deteriorated and is still deteriorating ; Indian milch-cattle in Akbar's time (as described in the *Ain-ul-Akhbari*) 'used to give 20 quarts of milk a day and draught-cattle could walk faster than horses.' Only 25 years ago, as older inhabitants of India

can testify, country cows used to give about 5 seers of milk per head per day on an average, while they now give only 1 seer; bullocks also could do about double the work that they do now.

6. That this unsatisfactory state of things both as regards the number and quality of cattle has led to an abnormal rise in the price of cattle, crops, milk and milk-products on the one hand, and on the other to the poor physique of many of the population, prevalence of disease and an abnormal death-rate among the people, especially amongst women and children.

7. That the rise in the price of milk and milk-products has been out of all proportions to the current tendency to an all-round rise in the price of commodities; for while in the course of the last 60 years the price of food-grains has risen 5 to 7 times, that of milk has risen more than 40 times (Appendix E), further while the price of most other commodities in England and in the United States of America is double and sometimes even 4 times that of the same in India, milk sells there at the same price as here and sometimes at a cheaper rate. In addition, there has been an abnormal rise in the price of cattle as well. In Akbar's time 'cows giving 20 quarts of milk a day used to sell at Rs. 10', fifteen to twenty years ago such cows could be had for about Rs. 150 whereas they are hardly available now for Rs. 400; and similar has been the rise in the price of bulls and bullocks as well.

8. That the mortality amongst infants in India is appalling, being nearly double that of the United Kingdom, Denmark and Japan, about 3 times that of Norway, and Sweden, about 5 times that of Holland and the United States of America and nearly 9 times that of New Zealand (Appendix F). Of the 26 per cent. of deaths of infants under one year which take place in India, most are from preventible causes, especially from malnutrition, and it is evident that by 'cheapening the price of milk so as to bring it within the reach of the poorer classes more would be effected', as Colonel Mactaggart, Sanitary Commissioner of the United Provinces, points out 'towards reducing infantile mortality than the presence of any number of trained *dhais* would accomplish'. There can be little doubt that the want of a pure and abundant supply of milk is the primary cause of the heavy infant mortality prevalent in India.

9. That the death-rate amongst Indians is on the whole very much higher than that of any other civilised country, but that of females between the ages of 15 and 30, that is to say, during their child-bearing period, is still higher (Appendix G) appreciably higher than the death-rate of men in the corresponding ages, and this is doubtless due mainly to the want of nourishing foods, such as milk and ghee, which they most require at this period of their life.

10. That the Indians are practically vegetarians, the quantity of fish and flesh consumed by them being considerably small, and milk and milk-products, therefore, form their chief sources of nutrition. The growing shortage in the supply of milk and the consequent abnormal rise in its price and other concomitant evils have helped to undermine the health of the people. Not only has the death-rate increased to a great extent, but there has been also a growing prevalence of such wasting diseases as tuberculosis and the like among the people; for instance, the statistics published by the Government of India shows that the number of reported tubercular cases among human beings in 1902 was only 38,435, while by the year 1919 the number had risen to 1,00,192, thus indicating an increase of about 200 per cent. (*vide* Appendix II).

11. That the above outline of facts and figures necessitate an early inquiry into the whole question of the cattle and milk-supply in India with a view to place them on an improved and satisfactory basis.

12. That during the last year and the year before last the All-India Cow Conference Association have been seeking information from District Boards, Municipalities and Agricultural Associations throughout India as to the number and state of cattle, pasturage and milk-supply. As a result of these inquiries and from a perusal of the published reports on the subject in official and non-official publications the following facts have been gathered, *viz* :

(a) A lack of pasture and of fodder: the pasture-lands are already inadequate, and they are being yearly encroached upon; and the growing of fodder-crops is also inadequate.

(b) A lack of good bulls for breeding purposes in the country; the diversion of Brahmini bulls to other purposes encouraged by judicial decisions of some of the Indian High Courts; and the general indifference of the well-to-do classes towards cattle-keeping and breeding.

(c) The indiscriminate slaughter of milch-cows and other cattle for the purposes of food, the meat-trade and the trade in hides, and the uncontrolled export of the best breeds of cattle out of India as also from one Province to another.

(d) The want of proper treatment of cattle in disease or in health and the heavy mortality from outbreaks of infectious diseases, chiefly rinderpest, and the gross neglect of cattle-owners and such cruel practices as *phooka*, etc. resulting especially in the high death-rate among calves and the sterility of prime cows.

13. That in a country like India where many people have difficulty in getting a sufficiency of food, the practice of leaving a certain proportion of open lands for pasturage was very beneficial; and this practice has been in vogue from the time of Manu and Yajñavalkya who advocated the laying aside of a tent, part of each village for the purpose. Unfortunately with the lapse of time the Zamindar as well as the ryot have slowly encroached upon these useful areas until at the present day one finds that in India the proportion of grazing grounds to the total area is the smallest of all countries (Appendix 1). In the United States of America, the proportion is 1 to 16, in Germany and Japan it is 1 to 6, in England, in the United Kingdom and in New Zealand, it is 1 to 3, while in India, it is 1 to 27. Again, if we consider the average quantity of grazing land that is available for each head of cattle, we find that in the United States, the average is about 13 acres per head of cattle as against 1.3 acres in Bombay and 1.7 acre in Bengal. It is hardly necessary to point out then, that the pasturage in India is extremely inadequate and this has led in no small degree to the deterioration of Indian cattle. The official and non-official accounts both go to show that wherever there is good pasturage the breeds of cattle have much improved, whereas a deficiency in pasture is invariably followed by a marked inferiority in the number and quality of cattle. About 70 per cent. of the replies to the queries sent out by the All-India Cow Conference Association and almost all the district Gazetteers and Provincial Cattle Census reports complain of the inadequacy of pasturage and of the growing



tendency to encroach upon it. Although there is some divergence of opinion as to the necessity of reclaiming pasture-lands already converted into agricultural holdings, there appears to be complete unanimity on the question of retaining the existing grazing-lands as such and preventing further encroachment on the same by legislation, if necessary.

14. That if it be advanced that economic causes have led to the conversion of pasture grounds into cultivated areas and that this process should not be interfered with, because it is one that serves a more useful purpose of raising crops for human consumption, the argument is refuted by a perusal of Appendix J which goes to show that an increase in the area under cultivation generally leads to a diminution in the rate of outturn of crops, and this is due to the fact as stated in paragraph 3 that the plough-cattle ordinarily available are insufficient for the area already under cultivation, become more so if the area be extended, with the result that the increase in cultivated lands instead of yielding an increased outturn, shows an appreciable diminution. To obtain then an increase in the outturn would depend not on increasing the area under cultivation such as by the encroachment on pasture-lands but by the adoption of intensive methods of cultivation such as are employed in most civilised countries. In fact the tendency in high congested countries like Great Britain, where the price of land is very high, 'is gradually to throw more and more cultivated land into pasture,' whereas in India where land is cheap, the very opposite tendency is manifested. It may bring some immediate gain, but it proves a severe loss in the end, for as the available figures show (Appendix J), not only with the increase in the cultivated area, the rate of outturn of crops falls off, but it appreciably undermines the health of the cattle and permanently impairs their breed. In view of all the above, it would appear that Government interference is needed to check further encroachment upon grazing grounds and to provide for the gradual reclamation of pasture lands by authorising Municipalities, District Boards and other such bodies to spend a portion of their funds for this and other cognate purposes, and further by the acquisition and proper maintenance of grazing lands by Provincial Governments where necessary.

15. That the position as regards fodder crops in India appears to be even worse than that as regards pasturage. The total area of British India is 617 million acres, the total cropped area is 261 million acres and the area under fodder crops is 6·4 million acres. In other words, fodder crops occupy very little over one per cent. of the country and support 22 head of cattle to the acre. In the United States of America, fodder crops are grown on 3·5 per cent. of the total area and give an average of 1·16 acres per head of cattle (Appendix K). The cultivation of fodder crops is thus very scanty and as such it should be encouraged by arranging the supply of seeds of fodder crops at a nominal charge through the Government Agricultural Departments, Municipalities and District Boards, by an abatement of revenue with respect to lands where fodder crops are cultivated, and by arranging for successful experiments in fodder growing in the Model Agricultural Farms with a view to induce cattle-owners and cultivators to grow more fodder crops.

16. That the breed of Indian cows, as has been already submitted, is on the whole deteriorating, with the result that the average daily yield of milk per cow in India is at present only one quart or 2 lbs., while the daily yield of milk per cow is 20 lbs. in England and Denmark, and 10·2 lbs. in

the United States of America (*vide* Appendix L). The want of good breeding bulls and the apathy and negligence of public bodies as well as of private individuals toward cattle-breeding are directly responsible for the present inferiority of Indian breeds of cattle. Breeders, who according to the last census form only 2 out of every 1,000 of the population, consist mainly of certain aboriginal tribes and of ignorant and poverty-stricken cultivators, and as such little improvement can be expected of them. The statistical returns published by the Government of India show, that out of the 147 millions of cattle that we have in India,—and milch-cattle form about half of this number—we have only 75 Government bulls and 973 District Board bulls and 6 Cattle Farms with which to carry on breeding operations on improved lines. The proportion is ridiculously small and their number should be very largely multiplied to produce any appreciable effect on the country. Every District Board should have a Model Breeding Stud, and every Municipality and Village Union should be made to keep an adequate number of high class breeding bulls which could be utilised by the people free or on payment of a nominal charge.

17. That formerly Brahmini bulls or bulls dedicated by the Hindus during the funeral ceremonies of their relatives were permitted to roam at large and served the purpose of good breeding bulls, but their number is steadily on the decline, mainly as the result of certain High Court judgments (*vide* Indian Law Reports—Calcutta Series, Volume 17, page 852; Allahabad, Volume 8, page 51, Volume 9, page 348; Madras XI, 145), which declare Brahmini bulls as *res nullius*, so that anybody may take and kill them or put them to any form of work. The time appears to have come when the evil effects of these rulings should be counteracted by some direct legislation for protection of Brahmini bulls, which would at the same time vest these bulls in certain public or semi-public bodies who should be responsible for their proper upkeep and use.

18. That the unrestricted slaughter and export of cattle have perhaps done more harm to the development of the cattle resources of the country than all the other causes put together. It has already been pointed out in paragraph 2, that there is not a sufficient number of agricultural cattle to cultivate a fourth part of the arable land of the country, and in paragraph 4 that the present strength of milch cattle is hardly sufficient to provide an eighth part of our population with an adequate quantity of milk. The continual slaughter and export of the higher breeds of cattle have deprived the country of its best breeds and there being no adequate process of good breeding to produce cattle which can take the place of those killed and exported, the drain is felt all the more keenly and has been telling heavily on the vitality of the people, especially on that of the children. Cattle are killed mainly for the following purposes, *viz.*:—(a) for food, (b) for the export of dried meat and (c) for trade in hides. The figures that are available go to show that the number under all the three heads has been steadily on the increase. The income of Municipalities in British India from octroi on animals taken for slaughter as also from slaughter-houses has increased about 70 per cent. in the course of the last 10 years (Appendix M) while the increase in the export of hides has been 20 times more in the course of the last 50 years. The figures of slaughter that have been collected by the all-India Cow Conference Association indicate that the number of cattle annually slaughtered for food within British India would amount to a figure between 2 to

6 millions. With regard to the slaughter of cattle killed for the purpose of the dried meat trade (locally known as '*billong*') it is difficult to obtain correct figures. The Honourable Lala Sukhbir Sinha of Muzaffarnagar, United Provinces, has collected figures from a number of districts in the United Provinces (Appendix N) and these alone amount to  $1\frac{1}{2}$  lacs a year. The Association has collected figures of dried meat exported *via* Howrah from the Agent, East Indian Railway, and this shows that about two lacs of maunds of dried meat are annually exported *via* Howrah (*vide* Appendix O). The trade is largely carried on in other Provinces as well, such as the Central Provinces, Bihar, Berar and Bombay, and there is every reason to think that the total figures amount to over 5 lacs. It is noteworthy to find, that the provinces where the dry meat trade is carried on and from which cattle are exported, the number of cattle is on the decline. Thus Bombay, Cutch and the United Provinces show a decline of 2 to 10 per cent. in the course of the 20 years—1890 to 1910 (*vide* Appendix P).

19. That it is not only the number of animals slaughtered and exported but their excellence in quality that injuriously affects the resources of the country. The manner in which this process of unrestricted slaughter has been going on is aptly described by the Honourable Mr. C. F. Payne, I.C.S., formerly Chairman of the Calcutta Corporation: The *goāla* usually buys his cows at the beginning of their second lactation period. He then sells away the calf and begins to practise the abominable *phooka* on the cows and obtain milk from 6 to 8 months at the most. By the end of that time, the cow ceases to give milk and becomes unfit for breeding purposes for at least 2 or 3 years. The butcher is in waiting and however fine the animal may be, she is sold away for slaughter without scruple for a small sum. 'This is a process which is constantly going on with the best cows in the country. The cruelty of it will probably appeal strongly to my hearers, but what appeals to me even more strongly is the *abominable wastefulness* of the system'. The result is, that good cows are harder to procure every year, and the price of cattle as well as of milk is steadily going up.

20. That at the suggestion of the All-India Cow Conference Association, the Calcutta Corporation and several other municipalities and cantonments in British India have resolved to stop the slaughter of calves and some even of cows also; and Your Excellency's memorialists would beg leave to suggest that *the slaughter of such useful cattle as prime cows, calves and breeding bulls may be prevented by legislation*; in this connection, Your Excellency's memorialists would point out, that *cattle slaughter is already prohibited in the following among other States, viz., Afghanistan, Baroda, Jammu, Kashmir, Gondal, Barwani, Dharampur, Bansda, Cooch Behar, Sirmur, Cambay, Khilchipur, Jama Khandi, Akalkot, Sarila, Vadia, Sayla, Khania-Dhana, Chud Amrethiraj.*

21. That the question of export of cattle is one of considerable importance. The cattle of India were formerly one of the best breeds of cattle in the world and they were requisitioned by almost all other countries. Their export though it had been going on, on a very small scale for over a century never assumed such proportions as now. There appears to be a scarcity of cattle in many parts of the world, due mainly to the war and economic causes, and it is also keenly felt in India. The result of the

increase of export from India has been in the words of the Board of Agriculture in India, that the 'best breeds of cattle have been considerably depleted.' In the case of the Ongole breed the export has taken place mainly to Java, and it is understood that the Java Government contemplate a continuance and increase of this export. The animals exported are young bulls and female stock and the breed is exported to Java for breeding for meat' (*vide* Proceedings of the Board of Agriculture in India, 1916). Although the figures of export are not complete, still those available (Appendix Q) show that it was on the increase until the outbreak of the war, when there was an appreciable falling off. Present inquiries by some of Your Excellency's memorialists go to show, that the export is again on the rise. Ten dealers from Brazil are reported to be exporting Kankreji and other good breeds of cattle from the Bombay Presidency, each exporting about 1,500, several veterinary officers of the Dutch Colonial Service export Ongole breeds from the Madras Presidency about 800 in each consignment, while in the course of the last few months two dealers from Java have sent two batches of excellent Punjab cattle about 500 in each batch *via* Calcutta to Java. Such export would have given a stimulus to good breeding if there were proper breeding farms and the number of cattle were more than was needed for the country, but in view of the existing deficiency of cattle in the country, and in the absence of proper and adequate breeding facilities for producing good breeds of cattle in sufficient numbers and also 'as the Indian cattle-owners have not become sufficiently aware of the true value of well-bred cattle and usually part with them at a price which represents hardly half their value,' and further, in view of the fact, that cattle owners are often obliged to part with their best milch cattle or agricultural cattle on the temptation of getting ready money, which they are always in need of, even if it be to their future detriment, the indiscriminate export from the country of the best breeding bulls and milch-cattle without any prospect of replenishment is against the highest economic interests of the country. Your Excellency's memorialists would therefore venture to submit, that Your Excellency's Government, should in the words of Mr. Coventry, President of the Board of Agriculture in India, 'carefully look into the matter and exercise control and discrimination in the working of the trade'. Many Indian States, the States of Bansda, Barwani, Chumbar, Sarila, Sayla (*vide Indian Humanitarian*, November 1919, page .) have already taken the lead in this direction and there is every reason to expect that the British Government will take similar action as well.

22. That the export of cattle from one Province to another also produces baneful results; for such cattle take a long time to acclimatise, the yield of milk and the capacity for labour visibly diminish, their calves seldom survive and in the course of a year or two their existence is brought to a close while yet in their prime in the slaughter-house. People are thus deprived of their useful services which would have been otherwise available for a term of 10 or 12 years and the cattle resources of the country are being wastefully exhausted. Good cattle are thus becoming more scarce every year, and their prices are rising abnormally in consequence. Having regard to the manner in which the transport of cattle from province to province is prejudicially affecting the economic situation of the country, there is a need for early inquiry into the matter and for the passing of some measures of control.

23. That as India has been the home of cattle diseases, it has also been the home of veterinary science. From the time of the Atharva Veda down to that of Chakrapani Dutt of Asokan times, the indigenous system of cattle treatment appears to have reached a high stage of perfection, and that knowledge has been preserved to some extent by the *go-baids* (cattle surgeons) of the country. The present Government veterinary colleges are limited in number and the graduates turned out by them are too few to deal with any outbreak of disease. The statistics collected for the Parliamentary Report (Appendix R) though not complete indicates to some extent the high death-rate among cattle and the proportion of deaths from rinderpest to those from other diseases. It appears that proper and timely segregation is not resorted to and that there is no opportunity of treating a major portion of the cattle affected. The indigenous system of treatment which was inexpensive and which was suited to the constitution and conditions of the Indian cattle, was of considerable help in checking and curing cattle-diseases. The system has practically died out owing to neglect and want of patronage. In view of the comparative inadequacy of doctors versed in the modern system of veterinary science, it would seem to be necessary to revive in some way the indigenous system by some form of State patronage.

24. That in consideration of the above facts and circumstances Your Excellency's memorialists respectfully submit that Your Excellency's Government will be pleased to appoint a Commission to make a thorough inquiry into :

- (1) the proper means of improving the number and quality of cattle in British India ;
- (2) the adequacy of pasture lands ;
- (3) the adequacy of fodder-crops ;
- (4) the adequacy of milk-supply and milk-products ;
- (5) the desirability of stopping or restricting the export of cattle abroad ; and also of the export of oil-cakes and cotton-seeds which form the chief food of the cattle of India ;
- (6) the desirability of controlling the transport of cattle from province to province ;
- (7) the desirability of stopping the slaughter of calves, milch and agricultural cattle, breeding bulls, cattle for the purposes of the Burma meat trade and other kindred trades and, if possible, of cattle generally ;
- (8) the provision of bulls for breeding purposes including the protection and maintenance of Brahmini bulls ;
- (9) the desirability of encouraging indigenous systems of cattle-treatment ;
- (10) the desirability of providing facilities for the transport of dry cattle to and their return from grazing areas ;

with a view to introducing suitable measures for the amelioration and improvement of the condition of Indian cattle.

And Your Excellency's memorialists as in duty bound shall ever pray.

10, OLD POST OFFICE STREET, }  
CALCUTTA ;  
The 25th February 1921.

} J. G. WOODROFFE, KT., M.A., B.C.L.,  
BAR-AT-LAW,  
President

APPENDIX A.

*Agricultural population in India.*

(From the Census Report of India, 1911, Volume I, Part I, pages 406, 412, 433.)

British India.		Indian States.	
Assam . . . . .	85 per cent.	Baroda . . . . .	63·3 per cent.
Baluchistan . . . . .	67·5 „	Central India . . . . .	60·7 „
Bengal . . . . .	75·4 „	Cochin . . . . .	50·4 „
Bihar and Orissa . . . . .	78·3 „	Hyderabad . . . . .	57 „
Bombay . . . . .	61·3 „	Kashmir . . . . .	78·5 „
Burma . . . . .	70 „	Mysore . . . . .	72·4 „
Central Provinces . . . . .	76 „	Rajputana . . . . .	62·5 „
Coorg . . . . .	81·6 „	Sikkim . . . . .	94·4 „
Madras . . . . .	68·7 „	Travancore . . . . .	53 „
Punjab . . . . .	58 „		
United Provinces . . . . .	72 „		
Total India . . . . .	72 „		

APPENDIX B.

*Proportion of cattle to population in various countries.*

(From Livestock Statistics, India, 1919-20; Dictionary of Statistics by Mullhall; New Dictionary of Statistics by Webb; New Hazel Annual and Almanac, 1920; Whittaker's Almanac, 1920.)

Name of country.	No. of cattle.	Population.	No. of cattle per 100 population.
India . . . . .	115,922,000	244,267,512	59
Denmark . . . . .	1,840,500	2,500,000	74
United States . . . . .	72,534,000	92,000,000	79
Canada . . . . .	5,576,500	7,250,000	80
Cape Colony . . . . .	1,270,000	1,100,000	120
New Zealand . . . . .	1,816,300	1,200,000	150
Australia . . . . .	11,956,024	5,500,000	259
Argentina . . . . .	25,844,800	8,000,000	323
Uruguay . . . . .	6,830,000	1,400,000	500

## APPENDIX C.

*Ratio of plough-cattle to cultivated area and milch-cattle to population.*

[ From Agricultural Statistics of India, Volumes I and II (1914-15). ]

1	2	3	4	5	6	7	8
Place and year.	Culti- vated area in 1,000 acres.	Plough cattle in 1,000.	Quantity (in acres) of culti- vated area per plough cattle.	Popula- tion in 1,000.	No. of milch- cattle in 1,000.	Average yield of milk per day in 1,000 pints (at 2 pints per cattle for 7 months).	Quantity of milk in pints available per man per day.
British India, 1914-15 .	227,611	48,645	5	244,267	50,916	59,437	$\frac{1}{2}$
Indian States 1914-15 (so far as obtainable).	31,935	4,002	8	70,865	5,838	6,811	$\frac{1}{10}$
Total or average	259,546	52,647	5	315,132	56,754	66,248	$\frac{1}{2}$

## APPENDIX D.

*World's Crops in 1917.*

[ From 'The New Hazel Annual and Almanac, 1920 ' and Agricultural  
Statistics of India, Volume I, page ii (1916-17). ]

Name of country.	Area in acres under wheat cultivation.	Wheat produce in bushels.	Rate of outturn in bushels per acre.
British India . . . . .	33,067,000	381,268,250	11.5
Denmark . . . . .	131,000	4,286,466	33
Spain . . . . .	10,336,000	142,376,740	14
France . . . . .	10,33,000	134,293,756	13.5
Great Britain . . . . .	2,103,000	59,623,650	29.8
Italy . . . . .	10,433,000	137,324,000	13.7
Norway . . . . .	19,000	429,484	23
Netherland . . . . .	122,000	3,639,718	30
Sweden . . . . .	329,000	6,849,663	23
Switzerland . . . . .	131,000	4,545,666	32.5
Canada . . . . .	14,795,000	233,256,894	17
United States . . . . .	45,922,000	635,314,011	14
Japan . . . . .	1,457,000	32,658,622	32
Egypt . . . . .	1,116,000	29,772,285	29

APPENDIX E.

*Price of Food-stuffs 1857—1918.*

[ From the Honourable Lala Sukhbir Sinha's address at the Second Sessions of the All-India Cow Conference, Delhi, 1918. ]

Name of food.	1857.	1890.	1918.
	Seers per rupee.	Seers per rupee.	Seers per rupee.
Wheat . . . . .	39	25	5½
Gram . . . . .	51½	28	7
Rice . . . . .	18½	12	4
Milk . . . . .	4 mds. 160 seers.	64	4

APPENDIX F.

*Average Annual Death-rate per 1,000 population.*

Country and year.	Under 1 year.	1-5 years.	All persons.	Source of information.
India (1908-09) . . . . .	260·7	67·3	38·2	Statistics of British India (Public Health), Vol. III.
Japan (1908) . . . . .	...	31·99	20·9	Japan Year Book, 1914 to 1916.
England and Wales . . . . . (average for 1896—1905)	172	22	17	
Scotland do. . . . .	145	22	17	
Ireland do. . . . .	123	17	18	
Denmark do. . . . .	136	11	15·5	New Dictionary of Statistics by Webb, 1911.
Norway do. . . . .	102	12	15	
Sweden do. . . . .	102	12	16	
Holland do. . . . .	50	50	17	
United States (1898) . . . . .	58·8	58·8	...	Dictionary of Statistics by Mulhall, 1899.
New Zealand (1919) . . . . .	32	...	9·5	Whittaker's Almanac, 1920.



## APPENDIX G.

*Deaths according to Age Ratio per 1,000 Population.*

[ From Statistics of British India, Public Health, Vol. III. ]

Year.		1908.	1909.	1910.	1911.	1912.	1913.	1914.	1915.	1916.	1917.
15--20 years	{ Male	15.81	12.72	14.46	14.74	11.98	11.01	11.31	12.45	10.98	12.79
	{ Female	17.75	14.66	16.53	17.03	14.05	12.86	13.67	14.97	12.99	14.65
20--30 years.	{ Male	18.52	15.91	17.30	15.70	13.34	12.51	12.60	13.72	12.53	14.30
	{ Female	19.66	16.96	18.44	18.56	16.00	14.93	15.34	16.41	14.81	16.76

*Average Number of Deaths of Females per 1,000 Male Deaths 1905—1919.*

(Census Report, Page 234.)

Age.	Bengal.	Bihar and Orissa.	Bombay.	Burma.	C. P. and Berar.	Madras.	Punjab.	U. P.
15—20	1,215	889	1,025	859	1,053	1,234	966	1,056
20—30	1,171	1,213	1,061	865	1,147	1,231	1,055	1,105

## APPENDIX H.

*Number of Tubercular Diseases of Human Beings treated in British India in 1902—06.*

[ From Statistics of British India, Public Health, Vol. III. ]

Year.	No. treated in State-public local fund, and private-aided hospitals and Dispensaries.	No. treated in State special and Railway hospitals and dispensaries.	No. treated in private and non-aided hospitals and dispensaries.	Total number.
1902 . . .	29,318	2,495	6,622	38,435
1907 . . .	47,315	2,280	9,707	59,302
1912 . . .	72,174	3,565	17,465	93,204
1917 . . .	78,669	3,030	18,493	100,192

APPENDIX I.

*Pasture lands all over the world.*

[From the 'Indian Review' (Madras), May 1919, page 315; 'Cattle, Sheep and Deer' by Macdonald; Standard Cyclopædia of Modern Agriculture; Census and Survey of Cattle of Bengal, Appendix VIII, by J. R. Blackwood, I.C.S.; Statistical Abstract of United States of America, 1915.]

Name of country.	Total area in 1,000,000 acres.	Area of grazing ground in 1,000,000 acres.	Ratio of total area to grazing ground.
Great Britain and Ireland	77.5	23	3
England . . . . .	32.5	10	3
Germany . . . . .	133	21.4	6
New Zealand . . . . .	6.7	2.7	3
United States . . . . .	1,403	117	16
Japan . . . . .	105.6	17.6	6
India . . . . .	460	35	27
Bengal . . . . .	50.5	3	17

*Proportion of Grazing Area to Cattle.*

Name of country.	Area of grazing ground in 1,000 acres.	No. of cattle in Thousands.	Area (in acres) of grazing ground per head of cattle.
United States of America . . . . .	1,403,000	146,308	13
Bengal . . . . .	2,929	17,079	17
Bombay (Kaira and Ahmedabad) . . . . .	406	316	1.3

APPENDIX J.

*Table showing Decrease in Outturn of Crops with Increase of Cultivated Area.*

[From Season and Crop Reports of the Bombay Presidency, Bengal and North-West Frontier Province.]

BOMBAY PRESIDENCY.			BENGAL.			N.-W. F. PROVINCE.		
Year.	1910-11.	1913-14.	Year.	1902-03	1904-05.	Year.	1903-04.	1907-08.
Cropped area in acres.	30,742,000	30,845,000	Cropped area in acres.	59,314,000	61,034,000	Cropped area in acres.	2,466,220	2,657,906
Outturn of crops in lbs. per acre.	540	501	Total out- turn of crops in tons.	26,377,197	4,676,4	Out-turn of crops in lbs. per acre.	658	566

## APPENDIX K.

*Fodder Crops Statistics.*

[From Agricultural Statistics of India, Vol. I, and Statistical Abstract of the United States of America, 1915.]

Name of country.	Total area in 1,000 acres.	Area under Fodder crops in 1,000 acres.	No. of cattle in 1,000.	Ratio of column 3 : 2.	Ratio of column 3 : 4.
1	2	3	4	5	6
United States of America	1,903,000	51,100	59,600	3.5 p. c.	9 cattle per acre.
British India	616,950	6,363	147,336	1 p. c.	22 cattle per acre.

## APPENDIX L.

*Milk-yield of Cattle of Different Countries.*

Name of country.	Average daily yield of milk per cattle per day in lbs.	Source of Information.
India	2 lbs.	Cattle Census Reports of Bengal and other Provinces.
England	20 „	Farm and live-stock of Great Britain by Robert Wallace.
Denmark	20 „	Agricultural Co-operation in Denmark by Rai Sahab Chandrika Prasad.
United States of America	10.2 „	Statistical Abstract of the United States of America published by the Bureau of Foreign and Domestic Commerce.

## APPENDIX M.

*Income of Municipalities in British India from Octroi on Animals for Slaughter, etc.*

[From Statistical Abstract for British India (Department of Statistics), Vol. IV, 1913-14 ; Statistics of British India, Part VIII, 1906-07, 1908-09.]

Source of Income.	1902-03.	1905-06.	1907-08.	1909-10.	1911-12.	1913-14.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Income from Octroi for slaughter of animals in British Indian Municipalities	4,85,202	5,91,301	6,11,517	6,23,083	6,66,357	6,44,776
Fees, etc. from slaughter-houses	28,15,891	35,61,152	35,18,038	36,48,632	40,66,871	45,35,624

APPENDIX N.

*Cattle-Slaughter for Burma Meat Trade in United Provinces, for 1912-13.*

[From the Honourable Lala Sukhbir Sinha's Address at the Second All-India Cow Conference, Delhi, 1918.]

Division.	District.	Place.	No. of cattle slaughtered.
Meerut	Bulandshahr	Mauza Galilpur, Tehsil Anupshahr.	2,000
	Aligarh	Aligarh	39,510
		Sikandra Rao	7,089
	Muttra	Sadabad	1,680
		Muttra	1,750
Agra		Jharna Nala	26,640
		Ferozabad	600
	Agra	Itmadpur	140
		Khanduli	45
		Pahti Dharti	4,015
	Etah	Shajawlpur, Tehsil Aligunj	500
	Barcilly	Barcilly	13,172
		Faridpur	500
		Shabaznagar Mauza	5,800
Rohilkhand	Shajahanpur	Jahangunj Rasulpur near Lodhipur.	2,500
		Satti Chauri	2,300
		Sambhal	758
	Moradabad	Bhoipur	2,000
		Amroha	1,680
Allahabad	Fatehpur	Fatehpur	300
		Kasba Kamaipur	250
		Jahanabad Town	60
		Aiyaran	500
	Jhansi	Kochha Bhauwar	10,192
Jhansi		Lalitpur	7,663
	Jalaun	Kunch	4,353
	Hamirpur	Panwari	800
		Rath	839
		Mandaha	2,032
		Mahoba	4,077
Gorakhpur	Banda	Husenpur	473
	Azamgarh	Azamgarh	60
Total			1,43,358

## APPENDIX O.

*Statement showing the Quantity of Dry Meat received at Howrah during the period from 1st January 1917 to 30th June 1920.*

[As supplied by the Agent, East India Railway.]

Stations from which exported.	1917.	1918.	1919.	1920 January to June.
	Mds.	Mds.	Mds.	Mds.
Jubbulpore . . .	1,161	701	1,711	686
Fatehpur . . .	348	67	234	265
Khaga . . .	56	14	...	...
Cawnpore . . .	...	117	...	161
Bhirinjhak . . .	147	...	...	...
Agra City . . .	1,908	...	...	...
Sumna Bridge . . .	45,948	39,346	31,866	16,759
Phaphund . . .	940	133	809	779
Rura . . .	132	50	...	...
Aligarh . . .	32,396	21,035	21,478	6,978
Delhi . . .	...	60	...	...
Achalda . . .	...	292	...	...
Tundla . . .	...	1,028	...	...
Kuburpur . . .	...	294	...	...
Etawah . . .	...	243	143	...
Shikohabad . . .	...	...	8	61
Hapur . . .	232	164	323	98
Amgaon . . .	101	...	...	...
Bhatapora . . .	...	...	...	99
Khalilabad . . .	...	...	4	2
Bholagunge . . .	3,708	1,365	1,479	...
Bareilly . . .	11,167	6,766	9,192	2,192
Bahadurgunge . . .	257	677	275	...

APPENDIX O—*contd.*

Stations from which exported.	1917.	1918.	1919.	1920 January to June.
	Mds.	Mds.	Mds.	Mds.
Shahjahanpur . . . .	3,920	3,726	10,250	4,789
Chaudausi . . . .	540	85	...	...
Samel Hatim Sarai . .	932	...	...	...
Anjhi . . . .	1,507	321	...	...
Pitamberpur . . . .	557	530	152	...
Hardwagunge . . . .	...	355	...	...
Moradabad . . . .	733	695	...	...
Anroha . . . .	622	636	452	...
Kasgunge . . . .	182	...	...	...
Pipalsana . . . .	723	256	455	...
Shahbaznagore . . . .	...	608	375	277
Carewganj . . . .	...	146	130	...
Shahmatgunge . . . .	...	...	460	3,411
Puranpur . . . .	...	...	...	225
Patna . . . .	...	..	...	474
Kunch . . . .	848	4,557	6,625	687
Gadarwara . . . .	220	292	413	301
Hamipur . . . .	...	...	...	81
Gottigaon . . . .	84	111	...	...
Madammohal . . . .	...	...	123	260
Narsingpur . . . .	...	223	...	...
Kharaya . . . .	16,335	8,547	24,898	6,671
Lalitpur . . . .	391	1,514	1,461	2,530
Sangor . . . .	20,714	29,157	30,284	20,391
Ghatera . . . .	...	...	2,820	11,134
Garhman . . . .	...	...	...	215
Domah . . . .	5,069	9,427	...	9
Jhansi . . . .	1,245	2,491	5,243	3,466
Mohaba . . . .	4,640	4,939	5,119	6,631

APPENDIX O—*concl'd.*

Stations from which exported.	1917.	1918.	1919.	1920. January to June.
	Mds.	Mds.	Mds.	Mds.
Orai . . . . .	...	...	...	234
Agra Fort . . . . .	501	...	...	...
Gunjdanwara . . . . .	1,193	499	452	593
Gurshairgunge . . . . .	506	...	...	...
Kaegunge . . . . .	225	...	325	376
Sikandara Rao . . . . .	2,373	3,722	2,519	281
Bichpure . . . . .	...	290	...	...
Jullundar Cantonment . . . . .	3,068	11,082	5,950	2,900
Batala . . . . .	1,220	970	2,490	568
Tahana . . . . .	...	673	2,542	982
Total . . . . .	1,66,849	1,58,204	1,74,160	95,347

## APPENDIX P.

*Decline in the Number of Cattle.*

Province.	Year and No. of Cattle.	Year and No. of Cattle	Source of Information.
Bombay Presidency . . . . .	(1891) 8,319,000	(1910) 7,530,000	Note on Cattle in the Bombay Presidency by G. F. Keatinge, C.I.E., I.C.S.
United Provinces . . . . .	(1904) 31,352,000	(1909) 29,867,000	Cattle Census Report of U. P. 1915. H. R. C. Hailey, I.C.S.
Cutch . . . . .	(1893-94) 131,00	(1910 11) 91,600	Cutch Gazetteer by G. Hardy, I.C.S.

APPENDIX Q.

*Number of Living Animals Exported outside India.*

[From the 'Indian Humanitarian,' Feb. 1920.]

Year.	1901.	1906.	1911.	1912.	1916.
Number . . .	3,20,835	3,16,996	5,27,706	5,44,588	3,34,310
Value in £ . . .	1,42,634	1,50,878	1,82,787	2,22,200	1,50,287

*Table showing Export of Cattle in 1912.*

Place to which exported.	No.	Value in	Province from which exported.	No.	Value in
		£			£
Ceylon . . . . .	23,145	66,666	Bengal . . . . .	316	1,332
Straits Settlements . . . . .	5,795	29,997	Bombay . . . . .	51	160
Federated Malay States . . . . .	1,183	7,521	Sindh . . . . .	1,032	3,017
Other British Possessions . . . . .	59	173	Madras . . . . .	27,661	97,349
Sumatra (1917) . . . . .	491	2,928	Burma . . . . .	1,028	4,386
Java (1917) . . . . .	431	2,648			
Brazil (1917) . . . . .	90	1,260			
Other Foreign Countries . . . . .	6	67			

APPENDIX R.

*Number of Deaths of Cattle.*

[From 'East India—Progress and Condition'—Parliamentary Report.]

Year.	From Rinder-Pest.	Other Diseases.	Total.
1904-05 . . . . .	92,123	1,18,996	2,11,119
1905-10 . . . . .	1,58,425	1,44,333	3,02,758
1914-15 . . . . .	1,11,629	1,24,731	2,36,360



## LOVETT COMMITTEE'S REPORT.

619. **Rai Bahadur S. P. Bajpai**: Do the Government propose to invite the opinion of the Members of the Council of State and Legislative Assembly on the Lovett Committee's Report before giving effect to the recommendations contained therein?

**Sir Godfrey Fell**: I would invite the Honourable Member's attention to the reply given to the question asked by Mr. Sachchidananda Sinha on the 15th March 1921. (Question No. 412).

Government do not propose to invite the opinion of the Members of the Council of State and the Legislative Assembly on the Lovett Committee's Report. It has been open to any Member of the Council of State or the Legislative Assembly to move a Resolution on the subject during the present session, and thus to elicit an expression of opinion.

## BENARES HINDU UNIVERSITY AND THE LEGISLATIVE ASSEMBLY.

620. **Rai Bahadur S. P. Bajpai**: Will the Government be pleased to state why the Benares Hindu University Court has not been given the privilege of returning a Member to the Legislative Assembly?

**Mr. S. P. O'Donnell**: The question of allotting representation to the Benares Hindu University on the Assembly was duly considered by the Government of India. In deciding not to include provision on this behalf in their draft of the electoral rules the Government of India were actuated by the consideration that though the University is in form an all-India institution, the majority of its students are residents of the United Provinces and that the grant of a seat to the University would therefore in effect have increased the measure of representation accorded to that Province, with the result of disturbing the inter-provincial adjustment of seats. I may add that the conclusion reached was concurred in by a majority of the members of the Reforms Advisory Committee and that the claim for the representation of the University was expressly noticed and discussed by the Government of India in the despatch with which the draft rules were forwarded for the sanction of the Secretary of State and the approval of Parliament.

## COURT OF THE JUDICIAL COMMISSIONER AT LUCKNOW.

621. **Rai Bahadur S. P. Bajpai**: (a) Is the Government aware of a very strong feeling in Oudh that the Court of the Judicial Commissioner at Lucknow should be converted into a Chief Court?

(b) If the reply is in the affirmative, will the Government be pleased to state what action it contemplates to take in the matter?

**Mr. S. P. O'Donnell**: The Honourable Member is referred to the answer given by me on the 21st March to a question on the subject asked by Maunshi Iswar Saran.

## COMMON HIGH COURT FOR AGRA AND OUDH.

622. **Rai Bahadur S. P. Bajpai**: Is there any truth in the rumour that a common High Court is proposed to be established for the Provinces of Agra and Oudh with Divisional Benches at Allahabad and Lucknow?

**Mr. S. P. O'Donnell:** I would refer the Honourable Member to the answer given to the question asked by Mr. Iswar Saran.

NEW ARMS RULES.

623. **Rai Bahadur S. P. Bajpai:** (a) Is the Government aware that the new Arms Rules have caused deep resentment among titleholders, honorary magistrates, honorary munsifs and honorary assistant collectors?

(b) Will the Government be pleased to state whether it contemplates to so revise the rules as to exempt them from restrictions contained in the Arms Act?

**Mr. S. P. O'Donnell:** (a) Government are aware that some of the new provisions in the Indian Arms Rules have caused dissatisfaction among the classes mentioned.

(b) The Honourable Member is referred to the Home Department Resolution No. 2125-C., dated the 2<sup>nd</sup> March 1919, from which he will see that the policy of the Government is to confine exemptions within the narrowest limits practicable. They are not therefore prepared to extend the list of exemptions in the manner proposed.

DISCONTINUANCE OF THE POWAGAN STEAM RAILWAY.

624. **Rai Bahadur S. P. Bajpai:** (a) Is the Government aware that the residents of Shahjahanpur and Kheri districts are put to very great inconvenience owing to the discontinuance of the Powagan Steam Railway?

(b) Will the Government be pleased to state if there is any likelihood of the running of the Powagan Steam Railway at an early date? If so, when?

**Colonel W. D. Waghorn:** (1) Government are not aware that the dismantlement of this line has caused any serious inconvenience. They have received no formal complaints to this effect.

(2) There is at present no idea of re-lying this line and it is improbable that anything can be done in the matter in the immediate future.

PROVINCIAL FOREST SERVICE.

625. **Rai Bahadur S. P. Bajpai:** (a) Will the Government be pleased to state what percentage of increase was recommended by the Royal Commission on Public Services for the Provincial Forest Service?

(b) Is it a fact that the salary of the Provincial Forest Service before the introduction of the revised scheme of pay in March 1920 went up to Rs. 850, and that under the new scheme they can rise up to Rs. 750 only? If so, will the Government be pleased to state why this curtailment in their grade has been found necessary?

(c) Will the Government be pleased to state if there is any other service, Imperial or Provincial, in which there has been a similar reduction in the maximum grade?

(d) Is the Government aware that serious dissatisfaction prevails amongst the Provincial Forest Service officers on account of the revised scheme?

**Mr. J. Hullah :** (a) It is presumed that pay is referred to. If so, the percentage of increase recommended by the Public Services Commission was 2.1 per cent.

(b) The class of Extra Deputy Conservators, the highest pay of which was Rs. 850, has now been abolished; no further promotions will be made to it, but existing Extra Deputy Conservators not found fit for promotion to the Imperial Service will remain as such until their retirement. The highest pay of Extra Assistant Conservators on the old scale was Rs. 550, it is Rs. 750 on the new. In future, Extra Assistant Conservators will not be able to look forward to promotion to the grade of Extra Deputy Conservators, which was always of the nature of a selection grade and not a mere continuation of the ordinary time-scale; but, on the other hand, listed post in the Imperial Service will be open to them and they are thus afforded an opportunity to attaining a far higher pay than they could previously. Those promoted to the Imperial Service will also be eligible for advancement to the administrative grades. The maximum pay of the class to which the Provincial Forest Service is now confined has been increased and not curtailed.

(c) As explained in (b), there has been no curtailment in the maximum pay to which an officer of the Provincial Forest Service can rise, either in the ordinary course or by selection.

(d) Yes.

#### INCREASE IN PAY FOR THE PROVINCIAL FOREST SERVICE.

626. **Rai Bahadur S. P. Bajpai :** Has the Government received memorials from Provincial Forest Service officers all over India praying for an increase in their pay? If so, what action has been taken on them?

**Mr. J. Hullah :** Yes, memorials on the subject of pay have been received from Provincial Forest Service officers in all provinces. They are under the consideration of the Government of India.

#### SCALES OF PAY OF THE PUBLIC WORKS DEPARTMENT OLD PROVINCIAL SERVICE AND THE PROVINCIAL FOREST SERVICE.

627. **Rai Bahadur S. P. Bajpai :** (a) Is it a fact that the scales of pay of the Public Works Department old Provincial Service and the Provincial Forest Service, before the introduction of the revised scheme, were almost the same?

(b) Is it a fact that the qualifications for admission into the Public Works Department (Roorki trained) and the Provincial Forest Service (Dehra trained) are the same, and, further, that the period of training in the Colleges is almost the same?

(c) Has the old Public Works Department Provincial Service been absorbed into the India Service of Engineers with their whole service in the Provincial Service counted as if it were in the Imperial Service?

(d) If so, why has similar action not been taken with regard to the Provincial Forest Service by absorbing it into the Indian Forest Service?

**Mr. J. Hullah :** (a) It is difficult to compare the scale of pay of the Public Works Department old Provincial Service and the Provincial Forest Service owing to the different method of organization of the two departments.

Though apparently more or less similar, there were, in practice, many points of difference.

(b) It is not a fact that the qualifications for admission into the Public Works Department (Roorki trained) and the Provincial Forest Service are the same. The period of training too is not about the same, it is *three years* in the case of the former and two in the case of the latter.

(c) Yes.

(d) The two cases are not entirely comparable. The old Public Works Department Provincial Service was listed with the Imperial, its officers were designed for the same work as Imperial officers and were paid according to the principle in force for differentiating between Indian and European trained officers. The class of Extra Deputy Conservators in the old Provincial Forest Service, the work of which class was comparable with that of the Imperial Forest Service, has been absorbed into the Imperial Service; Extra Assistant Conservators, to whom the Provincial Forest Service will be confined in future, are not intended for duties similar to those of Imperial officers and there is, therefore, no reason to absorb this class into the higher service.

#### FOREST OFFICERS OF THE PROVINCIAL SERVICE.

628. **Rai Bahadur S. P. Bajpai:** Do the Government propose to consider the question of placing Forest Officers of the Provincial Service as regards their salaries at least, on the same level with the Members of the Provincial Executive and Judicial Officers?

**Mr. J. Hullah:** The question of the pay of the Provincial Forest Service is at present under the consideration of the Government of India.

#### ADDITIONAL INDIAN JUDGE AT ALLAHABAD HIGH COURT.

629. **Lala Girdharilal Agarwala:** Do the Government of India propose to consider the question of securing the appointment of an Additional Indian Judge to the Honourable High Court at Allahabad and transfer the judicial work hitherto disposed of by the Board of Revenue to that Honourable Court?

**Mr. S. P. O'Donnell:** Since the reply given to the question asked by the Honourable Member on the 17th February, there has been a discussion in the local Legislative Council on the subject of the Board of Revenue. The Local Government undertook that with regard to the Judicial functions of the Board various representative bodies and individuals would be consulted and that the Government of India would be approached with a recommendation that the executive functions of the Board should be transferred to the Government. The recommendation referred to has now been received and is under the consideration of the Government of India.

#### CAPITAL CITY FOR THE UNITED PROVINCES.

630. **Lala Girdharilal Agarwala:** Will the Government be pleased to lay on the table the correspondence which they have had with the Government of the United Provinces on the choice of a Capital city for the United Provinces?

**Mr. S P. O'Donnell:** It is presumed that the Honourable Member is referring to correspondence on the subject within recent years. There has been no such correspondence between the Government of the United Provinces and this Government. So far as can be ascertained, the most recent correspondence took place very many years ago when it was decided that though the capital of the province should remain at Allahabad, the Local Government should reside in Lucknow for some portion of each year.

#### INDIANS IN FIELD SERVICE.

**631. Lala Girdharilal Agarwala:** Will the Government of India be pleased to state what is the total number of Indians employed in field service during the last European War and how many of them were killed, and how many disabled, how many of them are still in service and how many have been discharged?

**Sir Godfrey Fell:** The total number of Indians employed on Field Service Overseas during the late European war (*i.e.*, August 1914 to 31st October 1918) was :

Combatants . . . . .	552,341
Non-Combatants . . . . .	391,033
	<hr/>
Total . . . . .	943,374
	<hr/>

Of this number, the following deaths from all causes occurred in all theatres :

Combatants . . . . .	25,877
Non-Combatants . . . . .	10,819
	<hr/>
Total . . . . .	36,696
	<hr/>

The numbers wounded were :

Combatants . . . . .	58,503
Non-Combatants . . . . .	781
	<hr/>
Total . . . . .	59,289
	<hr/>

It is regretted that it is impossible to give any figures, with regard to the number still serving and the number that have been discharged, as during demobilisation no distinction was made, on discharge, between the men who were serving before the war, and those entertained during and since the war.

#### INDIANS IN THE AIR FORCES AND IN THE NAVY.

**632. Lala Girdharilal Agarwala:** Will the Government of India be pleased to state how many Indians were employed in the Air Forces and how many in the Navy, during the war, how many of them have been killed, how many disabled, how many discharged and how many are still in service?

**Sir Godfrey Fell:** With regard to the Air Force, it is not possible to give the information asked for by the Honourable Member, as the administration of the Royal Air Force during the war was entirely in the hands of His Majesty's Government. (Two Indians were employed as pilots and observers and one at least was killed.) A considerable number of Indians were employed as mechanics during the war, but the actual number is not known. At present there are 1,039 Indians so employed.

As regards the Royal Navy, the Government of India have no information as to the number of Indians directly recruited into the Navy. As the Honourable Member is no doubt aware, certain vessels of the Royal Indian Marine were taken over by the Royal Navy during the war, but for various reasons given in the statement with which I will furnish the Honourable Member, it has not been possible to obtain the exact information asked for. Some indication of the numbers may, however, be obtained from the fact that the number of Indians who, up to date, have applied for war medals for service in ships of the Royal Indian Marine, whether handed over to the Admiralty or not, is 1,366. Of these, no less than 660 have earned the 1914-1915 Star, thus qualifying for the British War and Victory medals also. Further applications are expected.

Indian seamen served in a very large number of vessels belonging to both the Royal Navy and the Royal Indian Marine at sea and in Mesopotamia. Many of these vessels, especially the small river-craft, have long been paid off and some have been sold out of the service. Of the total number of Indians employed on these vessels, only a comparatively small number were engaged at the Royal Indian Marine Office, Bombay, the majority being engaged directly on boardship, often without reference to the Royal Indian Marine Office, Bombay; consequently this office possesses no records of these men, as they were kept only in the books of the ships concerned.

Most of the Indian ratings serving on these vessels only joined on a two years' agreement; many of them for various reasons did not complete the full period. Again, many men thus discharged joined up once more in other ships. Even if all the ships were asked to go through their books carefully and submit returns, the lists cannot be considered as being complete, for many of the men had similar names and thus duplication would be most difficult to avoid. For example, Sheik Hussein may have served two years in the 'Dalhousie' and two in the 'Northbrook' and it is impossible to be certain that this may not be counted as two men serving in the Navy, as there may be many Sheik Husseins.

Further, ships of the Royal Indian Marine were not handed over to the Navy for the entire period of the war, but did periods of Naval and periods of Marine service, and it would be a difficult and lengthy business to separate accurately the men who did Naval and those who did Marine service during the war, in view of the fact that many men performed both.

#### INDIANS AS AIRMEN, SOLDIERS AND SAILORS.

**633. Lala Girdharilal Agarwal:** Do the Government of India intend to establish regular schools in India for training up Indians as airmen, soldiers and sailors to enable them to give greater assistance to the Government in time of need?

**Sir Godfrey Fell:** With regard to airmen, the Royal Air Force is controlled and administered by the Air Ministry in the United Kingdom, which is responsible for providing the personnel for the detachment employed in India. The answer to this part of the question is, therefore, in the negative.

With regard to the training of Indians as soldiers, schools for training Indians in the art of soldiering are either already in existence or about to be established.

As regards sailors, the Honourable Member is understood to refer to the training of personnel for the Royal Indian Marine. I would invite the Honourable Member's attention to the reply given by His Excellency the Commander-in-Chief to a question on the subject put by the Honourable Mr. Patel in the Indian Legislative Council on the 8th March 1920. The Government of India have asked the Secretary of State for a ship suitable for use as a Royal Indian Marine training ship for Indian ratings, including engineer artificers, on which facilities can also be provided for the training of cadets and special ratings such as wireless operators and signallers. Up to the present time, the Government of India have not received information whether such a vessel will be available.

#### FACTORIES FOR RAILWAY ENGINES, SHIPS, AEROPLANES AND OTHER MACHINERIES.

**634. Lala Girdharilal Agarwala:** (a) Do the Government of India intend to establish factories in India for the purpose of manufacturing and supplying railway engines, ships, aeroplanes and other machineries for India and other countries and thus encourage skilled labour under the guidance and supervision of the best experts?

(b) Will the Government be pleased to state if any such factories are already in existence in India, and, if so, how many and where, and how many Indians in each are employed as mechanics?

**The Honourable Sir Thomas Holland:** (a) The answer to part (a) of the Honourable Member's question is in the negative.

In the first place, the establishment of factories of the kind mentioned is a matter for private enterprise, and, secondly, the development of industries is a transferred Provincial subject. It is therefore for the Ministers in the Provinces to decide what assistance, if any, should be given to an industry, including the training of skilled labour.

The Honourable Member no doubt realises that special steels are the chief materials used in manufactures of the kind that he mentions and the steel industry must be considerably developed in the country before such factories are likely to be successful.

(b) It is understood that the Honourable Member's question refers to Government factories.

There are at present two institutions of the kinds referred to under the control of the Central Government. These are the Royal Indian Marine Dockyard at Bombay, where small ships are built, and the Aircraft Factory near Lahore, which is engaged on the reconstruction of aeroplanes. The latter factory was instituted purely as a war measure and will be closed in April next.

The number of mechanics employed in the dockyard fluctuates according to the work in hand. The total number of Indian mechanics employed on the 7th February 1921 was 3,082.

CONTRIBUTIONS BY INDIANS TOWARDS WAR CHARITIES.

635. **Lala Girdharilal Agarwala:** Will the Government of India be pleased to state how much money has been subscribed by Indians, including Indian States, and how much paid towards the war, including 'Red Cross,' 'Special Indian Relief Fund,' and other war charities?

**Sir Godfrey Fell:** The Government of India are unable to furnish the information asked for by the Honourable Member, since no separate record has been kept of the amount contributed by Indians and Europeans, respectively, towards the war.

The Government of India have on more than one occasion in the Legislative Council undertaken to publish, in a convenient form, an authoritative record of India's contribution to the war in men, material and money. It is regretted that this compilation is not yet ready but it is hoped to publish it before very long.

MATERIALS SUPPLIED BY INDIANS TOWARDS THE WAR.

636. **Lala Girdharilal Agarwala:** What is the approximate value of materials supplied free by Indians towards the war?

**Sir Godfrey Fell:** The Government of India are unable to furnish the information asked for by the Honourable Member, for the reasons given in my reply to the preceding question.

UNREST IN INDIA.

637. **Lala Girdharilal Agarwala:** (a) Will the Government of India be pleased to state whether they are aware that there is unrest in India; and, if so, what steps do they propose to take to remove the causes of such unrest?

(b) Do the Government propose to consider the advisability of appointing a mixed committee of selected Members of both Chambers of the Indian Legislature and popular leaders of the country to investigate the causes of such unrest and recommend means of removing them?

**Mr. S. P. O'Donnell:** I would refer the Honourable Member to the debate which took place in this House on the 5th March; to the answer given on the 7th to a similar question asked by Mr. Darcy Lindsay, and to the debate of the 23rd March.

FIVE-JUDGE RULING OF THE ALLAHABAD HIGH COURT.

638. **Lala Girdharilal Agarwala:** (a) Will the Government of India be pleased to state if their attention has been invited to the five-Judge ruling of the Honourable High Court at Allahabad in Civil Revision No. 147 of 1919, Budhu Lal and others *versus* Mewa Ram, decided on 26th January 1921, in which two Honourable Judges have interpreted the provisions of section 115 of the Code of Civil Procedure in one way and three have taken a contrary view?



(b) Is the Government aware that there are conflicting rulings on the subject of revisional jurisdiction of High Courts from interlocutory orders in civil suits and proceedings?

(c) Do the Government propose to make the matter clear by undertaking legislation on the subject?

**Mr. S. P. O'Donnell:** The judgment referred to has been passed too recently to enable the Government of India to consider the question whether it is desirable in consequence thereof to amend the law with a view to its clarification. Such a question can only be decided after the most careful examination. The Government of India will, however, examine the matter and a copy of the judgment in the case has been obtained.

#### MATERIALS FOR GOVERNMENT PURPOSES.

639. **Lala Girdharilal Agarwala:** (a) Will the Government kindly state what is the system of supply of material (other than food and forage) for all Government purposes, civil and military? Who are the principal suppliers, and what margin of profits is kept for them in one year?

(b) What is the arrangement about the supply of war materials to or on behalf of His Majesty's Government other than those furnished by Departments under the Army Department? Who are the principal suppliers, and what margin of profits is kept for them in one year?

(c) On what principles are applications for priority certificates disposed of?

**The Honourable Sir Thomas Holland:** (a) The Honourable Member is presumably referring to the system of supply of articles for the public service. This is governed by certain rules of which a copy will be furnished to the Honourable Member. Owing to the very large number of purchasing officers and the diversity of materials purchased, and owing to the fact that large purchases of stores are made through the Director General of Stores in England, it is not possible to compile a list of suppliers. Purchases of stores are made on ordinary commercial principles and no margin of profits is prescribed; nor, indeed, would such prescription be practicable.

(b) No war materials are supplied to or on behalf of His Majesty's Government with the exception of certain class of stores included under the head of textiles required for supply to the army in Mesopotamia the cost of which is debited to His Majesty's Government. Purchase of such stores is made by purchasing officers working under the Chief Controller (Surplus Stores). As regards the principal suppliers of such stores, I shall be glad to furnish the Honourable Member with a list of them if he so desires. As regards their profits, the Honourable Member is referred to my reply to the first part of his question.

(c) The Honourable Member appears to be referring to a system which was devised during the war when, owing to the reduction in the supply of stores in England, priority certificates were introduced by the late Indian Munitions Board in order to reduce demands to a minimum. This system was abolished shortly after the conclusion of the Armistice in 1918.

FACTORIES FOR WAR SUPPLIES.

**640. Lala Girdharilal Agarwala:** (a) How many factories have been established and how many more are going to be established for war supplies, and where, and how many Indian officers are employed at the head of those factories?

(b) What are the rules about the control of transactions by the public in respect of such articles of actual or potential military value as may be mutually agreed upon by the Indian Munitions Board and the Department of Commerce and Industry?

**Sir Godfrey Fell:** (a) The following Government factories are maintained for supplying the requirements of the Army :

(i) Metal and Steel Factory	. . . . .	Ishapore, Bengal.
(ii) Rifle Factory	. . . . .	Ditto
(iii) Ammunition Factory	. . . . .	Dum Dum, Bengal.
(iv) Gun and Shell Factory	. . . . .	Cossipore, Bengal.
(v) Ammunition Factory	. . . . .	Kirkee, Bombay.
(vi) Gun Carriage Factory	. . . . .	Jubbulpore, Central Provinces.
(vii) Harness and Saddlery Factory	. . . . .	Cawnpore, United Provinces.
(viii) Cordite Factory at Aruvankadu	. . . . .	Madras.
(ix) The Acetone Factory at Nasik	. . . . .	Nasik.

In addition, there are three Clothing Depôts which make up clothing for the Army at Alipor, Madras and Shahjahanpur.

No Indian officers are employed at the head of any of these factories.

The Government of India have no present intention of establishing any additional factories. They cannot foresee what the needs of the distant future may be.

(b) It is regretted, that as the question is not understood, no reply can be given

COLLEGES FOR MINING AND INDUSTRIAL EDUCATION.

**641. Lala Girdharilal Agarwala:** (a) How many colleges are there in India for imparting mining and industrial education?

(b) Will the Government be pleased to lay on the table a statement showing the number of Indian students trained in each and the amount of money spent and how much of it was subscribed by the Government?

**The Honourable Sir Thomas Holland:** There are at present no such colleges under the direct control of the Central Government. I would remind the Honourable Member that his question relates to a Provincial transferred subject.

PASSENGER SUPERINTENDENTS ON RAILWAYS.

**642. Lala Girdharilal Agarwala:** (a) Will the Government be pleased to lay on the table a statement showing the names, castes, race, qualifications, experience and pay of Passenger Superintendents on Railways with their duties?

(b) How many men have been employed recently or are going to be soon employed?

(c) Is it proposed to publish the names of Passenger Superintendents in Railway time tables?

**Colonel W. D. Waghorn :** (a) and (b). I would refer the Honourable Member to my reply to Rao Bahadur Trivenkata Rangachariar on the 15th February and to my remarks on the 17th February when dealing with the Resolution moved by the Rao Bahadur regarding the appointment of Passenger Superintendents. I have already mentioned the railways which employ Passenger Superintendents and stated that most of the Superintendents are retired Indian Officers. Every care is taken by the Railway Administrations in their selection of these officials, and to obtain the further information now asked for would involve considerable correspondence and labour and it is trusted that under the circumstances the Honourable Member will not press for this information.

(c) It is not considered that any useful purpose would be served by publishing the names of Passenger Superintendents in Railway time tables.

#### HINDU WATERMEN AT RAILWAY STATIONS.

**643. Lala Girdharilal Agarwala :** (a) Are the Hindu watermen employed at the railway stations required or allowed to do any other work during the time when trains are due to arrive, such as loading, unloading, shunting or private service for station masters or their assistants?

(b) What is the usual pay of watermen on the railway stations, and has the question of its sufficiency been considered?

(c) Do the Government intend to issue a circular to all station masters and guards that they should particularly watch the proper duty of Hindu watermen?

(d) Do the Government intend to order that Hindu and Muhammadan watermen at railway stations should bear badges in which the words 'Hindu Watermen' or 'Muhammadan Waterman' should be engraved, as the case may be, in local vernaculars and the same words should be printed or engraved on their buckets and jugs.

(e) Do the Government propose to order that on all junction stations special arrangements should be made for wash and bath particularly for 3rd class passengers?

(f) Do the Government propose to direct that all passenger trains (*except Mails*) should stop in the morning for one hour at a convenient station affording special facility for wash and bath especially for 3rd class passengers?

**Colonel W. D. Waghorn :** (a) The reply is in the negative.

(b) The pay of watermen on railway stations is fixed according to the prevailing local rates and varies on the different Railways.

(c) Railway administrations are fully aware of the need for supplying water to passengers; the matter has frequently been brought to their notice and Government do not, under the circumstances, consider it necessary to issue fresh instructions.

(d) It is believed that the watermen in some lines wear a distinctive badge but in any case they invariably shout their class and calling. The Honourable Member's suggestion, however, will be brought to the notice of the Agents.

(e) and (f). These proposals are impracticable.

LATRINES IN THIRD CLASS CARRIAGES.

644. **Lala Girdharilal Agarwala :** How many times daily are the latrines in 3rd class carriages cleaned and water filled in the tanks ?

**Colonel W. D. Waghorn :** Latrines of 3rd class carriages can only be cleaned at terminal or junction stations after the carriages have been vacated by passengers and this is the ordinary practice. In the circumstances it is not possible to state any definite number of times daily. Water is filled into the tanks at terminal and junction stations when necessary.

QUARTERS FOR THE CLERKS OF THE GOVERNMENT OF INDIA SECRETARIAT.

645. **Lala Girdharilal Agarwala :** (a) How many kinds of quarters have been built at Delhi and at Simla for the clerks of the Government of India Secretariat ?

(b) What accommodation and furniture is provided in each class of quarter and what is the approximate total cost of each class of quarter ?

(c) On what principle is the rent of the said quarters fixed ?

(d) On what principle are the quarters allotted ?

(e) What is the number of quarters of each kind and are they more or less than the number required ?

(f) Who is responsible for the comforts of the clerks and are the clerks consulted about matters connected with their quarters ?

**Colonel Sir S. W. A. Crookshank :** (a) (1) At Delhi there are five types of quarters for Indians and four types of quarters for Europeans.

(2) At Simla there are five types of quarters for Indians and five types of quarters for Europeans.

(b) and (c). The information is being collected and a statement embodying it will be sent to the Honourable Member as soon as it has been compiled.

(c) The rent of the quarters is supposed to cover—

(1) all repair charges,

(2) owner's taxes,

(3) interest at 3½ per cent. on the capital cost of the building.

(d) Both in Simla and in Delhi, the various Departments report to the Public Works Department their requirements, mentioning as far as possible, the order of preference in which quarters should be allotted. In Delhi, blocks of quarters are then allotted to the various Departments *pro rata* by the Estate Officer, and the Departments are left to make individual allotments. In Simla, the Superintending Engineer makes the individual allotments direct, allotting quarters as far as possible to each office in proportion to the demands.

(f) The Estate Officer in Delhi and Executive Engineer, Simla, are in charge of the respective buildings. Tenants should bring to the notice of these officers officially any points which they wish to have attended to. When necessary, the orders of higher authority will be taken by these officers as regards matters which they themselves are not competent to deal with.

PARTICULARS OF CLERKS UNDER THE GOVERNMENT OF INDIA.

646. **Lala Girdharilal Agarwala :** Will the Government be pleased to lay on the table a statement showing as far as possible (a) full name of each

clerk employed in the Government of India Secretariat, (b) qualifications, (c) provincial residence, (d) caste, creed, religion, race or nationality, (e) date of first appointment, (f) initial pay, (g) initial duties, (h) present pay, (i) allowances, (j) present duties, (k) hours of work, (l) headquarters, Delhi, Simla or both, (m) class of quarter, if any, allotted, (n) actual house-rent, (o) rent, if any, received from Government, (p) single or with family, (q) whether living in orthodox Indian style or European style ?

**Mr. S. P. O'Donnell:** The collection of the very detailed information required would involve such an amount of labour and take so much time that the Government are unwilling to undertake to collect it, but they will be glad to communicate to the Honourable Member any information that may be readily available.

#### APPOINTMENTS AND PROMOTIONS IN THE GOVERNMENT OF INDIA SECRETARIAT.

647. **Lala Girdharilal Agarwala:** On what principles are appointments made and promotions given in the Government of India Secretariat ?

**Mr. S. P. O'Donnell:** Recruitment to the Government of India Secretariat is now effected through the recently constituted Staff Selection Board. The Board hold qualifying examinations and make recommendations when vacancies occur in the various Departments from their list of qualified candidates. A copy of the rules framed by the Board will be supplied to the Honourable Member if he so desires. As regards promotions, a time-scale system of remuneration is in force and, subject to the operation of efficiency bars at various points in the scale, all officers normally receive annual increments in pay. The Secretary in each Department has, however, power to stop or defer increments in cases of inefficiency or misconduct.

#### GOVERNMENT OF INDIA PUBLICATIONS.

648. **Lala Girdharilal Agarwala:** What publications of the Government of India, if any, are supplied free to the press or public libraries and reading rooms ? If so, will the Government be pleased to lay on the table a list of such publications and of those to whom such publications are supplied ?

**Mr. S. P. O'Donnell:** Publications of the Government of India which are thought to be of public interest are supplied free to approved newspapers and public institutions. I shall be glad, if the Honourable Member so wishes, to collect information from the various Departments of the Government of India as to the periodical publications which are so supplied, but besides these there are individual publications of general interest which are distributed under specific orders in each case. The list of approved newspapers and public institutions is altered from time to time on the recommendation of Local Governments, but I shall be glad to supply the Honourable Member with a copy of the list corrected up-to-date.

#### PUBLIC LIBRARIES AND READING ROOMS IN INDIA.

649. **Lala Girdharilal Agarwala:** (a) Has the Government got any list of public libraries and reading rooms in India ? If so, will the Government be pleased to lay the same on the table ?

(b) If not, will the Government be pleased to prepare such a list and lay the same on the table ?

**Mr. H. Sharp:** (a) and (b). A list of the more important libraries in India was compiled in 1905 and revised in 1907. An up-to-date list of libraries, subject to certain conditions regarding the number of volumes and the nature of the library, is now under compilation. When it is complete, a copy will be laid on the table.

The Government of India have no information regarding reading rooms; but it is probable that there are such rooms in many libraries. It is not considered necessary to obtain any further information on this point.

#### EXPORT DUTY ON WHEAT, RICE AND OTHER FOODSTUFFS.

650. **Lala Girdharilal Agarwala:** Do the Government intend to levy an export duty of one rupee per maund on wheat and rice and eight annas per maund upon other foodstuffs exported out of India ?

**Mr. C. A. Innes:** The answer to the Honourable Member's question is in the negative.

#### INCOME-TAX.

651. **Mr. M. K. Reddiyar:** (a) Is not income-tax an item of revenue of the Government of India ?

(b) If so, will the Government be pleased to call for the information contained in my Question No. 460, dated Monday, the 14th March 1921 ?

**The Honourable Mr. W. M. Hailey:** (a) The answer is in the affirmative.

(b) I see no reason to modify the reply which I gave to the Honourable Member on the 14th instant.

#### SUBORDINATE PROVINCIAL SERVICES.

652. **Rai T. P. Mukherjee Bahadur:** (a) Have the Government received any memorial from the officers of the Subordinate Provincial Services in connection with the proposal of the Provincial Government about their status ?

(b) If so, do the Government intend to make any addition or alteration in their cadre as suggested by the Memorialists ?

**Mr. S. P. O'Donnell:** The reply is in the negative.

I may add, however, that orders on the subject of proposals for the re-organization of the Subordinate Civil Service in Bengal submitted by the Government of Bengal to which, it is understood, the Honourable Member is referring, have been issued. The Honourable Member should apply for further information to the Local Government.

#### SONTHAL PARGANNAH.

653. **Rai T. P. Mukherjee Bahadur:** (a) Do the Government intend to make the Sonthal Pargannah a *regulation District* ?

(b) If not, are the Government aware of the difficulties and inconveniences of the litigants in connection with sub-judge cases and is it in the contemplation of the Government to appoint at least itinerant sub-judges to try sub-judge cases in Sonthal Pargannah instead of appointing Sub-Divisional officers to be a Subordinate Judge under section 8 of Regulation V of 1893 ?

**Mr. S. P. O'Donnell:** The Local Government have not proposed and the Government of India have not therefore under consideration any proposal to alter the legal position of the Sonthal Pargannas. The Government are not aware of the alleged difficulties and inconveniences experienced by litigants, but in any case the matter is one which primarily concerns the Local Government to whom it is open to propose an amendment of Regulation V of 1893.

#### DELHI MUNICIPAL BOARD.

654. **Mr. Harchandrai Vishindas:** Will Government be pleased to state :

(a) when the period of the present Delhi Municipal Board was to have expired ;

(b) has the period been extended by Government, if so,

(i) to what date, and

(ii) for what reasons ;

(c) Is it a fact that the Municipal Councillors of Delhi had sent in a representation (by Resolution of the Board) asking :

(i) for a non-official President for Delhi, and

(ii) for the reasons of delay in the preparations for new elections.

(d) If so, what reply has been given ?

**Mr. H. Sharp:** The Honourable Member is referred to the reply given to an identical question asked in the Council of State by the Honourable Mr. Bhurgri on the 26th instant.

#### STAFF SELECTION BOARD'S EXAMINATION.

655. **Mr. Harchandrai Vishindas:** With reference to the examination held of the candidates for qualifying them for permanent posts in the Imperial Secretariat and attached officers, will Government be pleased to lay on the table a statement containing the following information :

(a) Names of the candidates,

(b) Nationalities,

(c) Whether employed previously in any Government office or not,

(d) If employed, the number of years in service with the name of the office or department where employed at the time of examination and the division in which employed,

(e) If employed, the departmental recommendation on the form of application forwarded to the Board,

(f) Marks obtained at the written test,

(g) Marks obtained at the interview,

(h) Number of members of the Board present at the interview of each of them and whether any Indian Member was present,

(i) Percentage of Anglo-Indians who passed for the Upper and Lower divisions respectively and their failures,

(j) Percentage of Indians who passed for the Upper and Lower divisions respectively and their failures ?

**Mr. S. P. O'Donnell:** The Honourable Member has probably not realized the amount of labour and expense that would be involved in the preparation of the statement asked for. The number of candidates examined whose results have so far been determined is over 1,100. The information called for could not be given without a scrutiny of the applications and other papers relating to each of these men, and a compilation of the results would form a considerable volume. The information asked for in part (c) of the question is in any case of a nature which is necessarily treated as confidential. Government do not consider that the utility of a statement giving the information asked for in parts (a) to (i) of the question would be commensurate with the labour and expense involved in its preparation.

The answers to parts (i) and (j) are as follows :

(i) Total number . . . . .	74
Upper Division . . . . .	54 per cent.
Lower Division . . . . .	15 „
Failures . . . . .	41 „
(j) Total number . . . . .	1,038
Upper Division . . . . .	18 per cent.
Lower Division . . . . .	11 „
Failures . . . . .	71 „

These calculations exclude the results of the examination held on the 26th February 1921, at which over 500 candidates appeared, as these results have not yet been determined.

#### INSPECTOR OF OFFICE PROCEDURE.

656. **Mr. Harchandrai Vishindas :-** (a) What is the present pay of the Inspector of Office Procedure ?

(b) What was the pay of the present incumbent of the post before he was appointed to this post ?

(c) When was this post created ?

(d) Have the Government considered whether a suitable Indian Civil Service officer of the rank of Deputy Secretary to the Government of India could not be appointed to that post ?

(e) What will be the difference in expenditure if the pay of the post be made at par with that of a Deputy Secretary ?

**Mr. S. P. O'Donnell:** (a) Rs. 2,250.

(b) Rs. 1,500.

(c) June 1920.

(d) No. The question of selecting an Indian Civil Service officer of the rank of Deputy Secretary for the post was not specially considered, but in any case no such officer had had the same experience in the organization of Commercial and Government offices as Mr. Watson.

(e) A Deputy Secretary to the Government of India is entitled to pay under the superior time-scale for the Indian Civil Service *plus* a duty allowance of



Rs. 400 subject to a maximum of Rs. 2,250, exclusive of overseas allowance of Rs. 250. The total maximum pay of a Deputy Secretary is therefore Rs. 2,500 which is also the maximum pay of the post of Inspector of Office Procedure.

#### REPORT OF THE SECRETARIAT PROCEDURE COMMITTEE.

657. **Mr. Harchandrai Vishindas :** Will Government be pleased to lay on the table the Report of Secretariat Procedure Committee ?

**Mr. S. P. O'Donnell :** As stated by the Honourable Sir William Vincent in reply to a question asked by Dr. Sir Debaprasad Sarbadhikari at the meeting of the Legislative Council on the 16th September 1920, it is not proposed to lay on the table a copy of the Secretariat Procedure Committee's Report. The Honourable Member is also referred to the answer given by the Honourable Sir William Vincent to part (c) of the Honourable Mr. Bhurgri's question No. 142 at the meeting of the Council of State on the 21st February 1921.

#### WATER WIRELESS TELEGRAPHY.

658. **Mr. Harchandrai Vishindas :** Will Government be pleased to state :

(a) if they have received a Memorial from Khan Bahadur Habibur Rahman Khan in connection with his invention about Water Wireless Telegraphy.

(b) what facilities they have given to the gentleman in question for experimenting further,

(c) what facilities he asked for,

(d) whether they propose to allow him to experiment at any of Government wireless stations, if so, when and where ?

**Mr. C. A. Innes :** (a) Yes.

(b) and (c). While Khan Bahadur Habibur Rahman was in the Telegraph Department, several offers were made to him to put him on duty for experimental work at Alipur but he did not accept the offers. Since his retirement he has several times asked for financial assistance and for loans of staff and apparatus. Government were unable to provide such assistance but granted him a licence to experiment.

(d) It is not proposed to allow this gentleman to experiment at wireless stations as they are all working stations and cannot be used as experimental laboratories.

#### COMPENSATION FOR INJURIES IN FACTORIES.

659. **Mr. N. M. Joshi :** Does Government propose to take steps to enable persons working in factories, mines, docks and on railways to get adequate compensation for injuries which may be caused on account of accidents during the course of their work, and if so, will they state when they will place their proposals before this Assembly ?

**The Honourable Sir Thomas Holland :** This question has been under examination in the Labour Bureau, and a provisional scheme is now being considered inter-departmentally. I hope we shall be in a position to consult Local Governments at an early date. If the Honourable Member will please repeat his question during the next Simla session, I may be in a position to give him more definite information.

CONSTITUTION OF THE HINDU AND MOSLEM UNIVERSITIES.

660. **Bhai Man Singh** : Will the Government be pleased to lay on the table copies of all the papers relating to the constitution of the Hindu University, Benares, and the Moslem University, Aligarh, including the correspondence and communications that passed between the promoters of these schemes, the Government of India, the Secretary of State for India, and any Local Government ?

**Mr. H. Sharp** : The Honourable Member is referred to the reply which I gave on the 17th instant to a similar question asked by Lala Girdharilal Agarwala.

MARTIAL LAW AND POLITICAL PRISONERS.

661. **Bhai Man Singh** : Will the Government be pleased to lay on the table a statement showing :

(a) The number of all the Martial Law and other political prisoners and internees at the time of the Royal Proclamation regarding clemency.

(b) The number of such prisoners and internees granted clemency since then.

(c) The number of the Sikh political prisoners and internees under the Martial Law and otherwise at the time of the said proclamation.

(d) The number of the Sikh political prisoners and internees granted clemency since then ?

**Mr. S. P. O'Donnell** : A statement is laid on the table.

*Statement.*

- (a) 1,457.
- (b) 1,270.
- (c) 445 (approximately).
- (d) 381.

SIKH POLITICAL PRISONERS AND INTERNEES.

662. **Bhai Man Singh** : Will the Government be pleased to lay on the table a statement showing :

(a) A list of the present Sikh political prisoners and internees.

(b) The dates of their being so interned or imprisoned.

(c) The Court or any other authority under whose orders they have been so imprisoned or interned.

(d) The remaining period of imprisonment or internment.

(e) The offences for which they have been so imprisoned or interned.

(f) How many of them are America-returned.

(g) Any special reason why they have not been granted the benefit of the Royal Clemency ?

**Mr. S. P. O'Donnell** : There are no Sikhs at present in internment. The information asked for by the Honourable Member in regard to Sikh political prisoners is being collected, and will be furnished as soon as available.

With reference to part (g) of the question, however, the Honourable Member is referred to the speech of the Honourable Sir William Vincent in the debate on the release of Martial Law prisoners in the Council of State as

far as persons convicted in the Punjab disturbances and still in jails are concerned. The release of the other Sikh political prisoners was not considered compatible with the public safety.

#### PROSECUTIONS OF SIKHS FOR KEEPING *KARPAN*.

663. **Bhai Man Singh** : Will the Government be pleased to lay on the table a statement showing :

- (1) A list of all the prosecutions of the Sikhs for keeping *karpan* :
  - (a) before any circular exempting *karpan* from the Arms Act was issued ;
  - (b) after a circular so exempting *karpan* was issued in the Punjab ;
  - (c) after the issue of any similar circular in any other province wherein the prosecution was started ;
  - (d) after the issue of any similar circular by the Government of India ;
  - (e) at places where no such circular was in force at the time of any such prosecution.

(2) The result of all such prosecutions.

(3) Any warning or punishment given to the Police or other officers responsible for starting such prosecution at places where any of the circulars exempting the *karpan* from the Arms Act was enforced ?

**Mr. S. P. O'Donnell** : The information asked for is not available.

I will endeavour to obtain it from Local Governments and to supply the Honourable Member with the statement asked for in due course.

#### INITIAL OUTLAY ON CANALS IN INDIA.

664. **Bhai Man Singh** : Will the Government be pleased to lay on the table a statement showing :

- (a) The gross initial outlay on each of the canals in India.
- (b) The average *abiana* (water rate) realized from each of such canals during the last seven years.
- (c) The net expenditure for the upkeep and administration of such canals during the said years.
- (d) The net average annual profit realized from such canals during the said years.
- (e) The average rate of annual interest thus realized from such canals on the initial capital invested by the Government ?

**Colonel Sir S. D'A. Crookshank** : The Honourable Member will doubtless understand that the preparation of a statement giving the information he requires for the 233 canals in India for which separate capital accounts are kept would entail an enormous amount of labour altogether incommensurate with the cost of the establishment engaged thereon. The whole of the information desired is contained in published official reports on irrigation; that referred to in parts (a), (c), (d) and (e) of the question being given in the statistical tables which accompany the annual Review of Irrigation in India, while that referred to in part (b) will be found in column 14 of Statement II E of the annual Irrigation Administration Reports published by the Local Governments. A statement giving the total figures for each of the seven years referred to is laid on the table.

*Statement showing principal statistics of irrigation works in India for which capital accounts are kept, for seven years ending 1919-20.*

QUESTIONS AND ANSWERS.

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Year.	Capital expenditure to end of year.	Gross revenue (including enhanced land revenue) from all sources.	Working expenses.	Net revenue.	Area irrigated.	Gross revenue per acre irrigated.	Working expenses per acre irrigated.	Percentage of net revenue to capital expenditure.
	Rs.	Rs.	Rs.	Rs.	Acres.	Rs.	Rs.	Per cent.
1913-14	64,91,92,020	7,20,61,407	2,14,77,842	5,05,83,565	10,959,445	4.25	1.27	7.79
1914-15	67,53,01,076	7,20,68,432	2,26,17,473	4,94,50,959	17,810,518	4.05	1.27	7.32
1915-16	69,62,18,473	7,32,21,279	2,41,71,752	4,90,49,527	17,340,633	4.22	1.39	7.05
1916-17	71,03,93,473	7,84,97,824	2,38,31,037	5,46,66,787	18,410,637	4.26	1.29	7.70
1917-18	72,33,37,065	7,66,48,390	2,45,03,503	5,21,44,887	18,005,590	4.26	1.36	7.21
1918-19	73,22,54,076	8,13,37,766	2,49,88,146	5,63,49,620	18,912,213	4.30	1.32	7.70
1919-20	73,93,82,157	8,86,56,655	2,74,08,426	6,12,46,229	20,765,144	4.27	1.32	8.28
Average of seven years	70,37,25,634	7,74,98,822	2,41,42,597	5,83,56,225	18,314,883	4.23	1.32	7.58

## PUBLIC WORKS DEPARTMENT AND RAILWAY ACCOUNTANTS.

665. **Bhai Man Singh :** (a) Is it not a fact that the scale of pay of the Public Works Department and Railway accountants has not been revised except by way of introduction of the time-scale of pay with the same minimum (Rs. 80) and reduced maximum (from Rs. 550 to Rs. 450) which was fixed originally in 1864 ?

(b) If so, does not the Government propose to revise the said scale of pay commensurate with the rise of prices of the necessities of life during the period of over half a century and for the same reasons that necessitated the revision of scales of salaries of the enrolled and Public Works Department lists of superior Accounts Officers several time during these years ?

**The Honourable Mr. W. M. Hailey :** (a) It is true that the minimum pay of the revised time scale for Public Works Department accountants is Rs. 80 which was also the previous minimum. The annual increment for the first ten years of service has, however, been increased from Rs. 7 to Rs. 10 and as these men, besides receiving other concessions, have been allowed to count previous service in determining their new pay, this gives a considerable concession to most of them. Further, the amalgamation of two grades into one has given an advantage to the men at the top of the lower grade and to almost all those in the upper grade. The same remarks apply to the Railway accountants, except that in their case a further modification has been made in the scale, whereby those men who retain the title of accountant now start on a minimum pay of Rs. 150. After rising to Rs. 450, both these classes have the chance of earning two further increments of Rs. 50, which will bring their maximum up to Rs. 550.

(b) The Government have no present intention of revising these scales of pay again.

INDIAN ACCOUNTANTS OF THE PUBLIC WORKS DEPARTMENT AND RAILWAY  
LISTS.

666. **Bhai Man Singh :** (a) Will the Government be pleased to state respectively the number of European, Anglo-Indian and Indian accountants of the Public Works Department and Railway lists who have been promoted to the enrolled list of the Indian Finance Department since 1911 ?

(b) If no, or very few, Indians have been so promoted, will the Government be pleased to state (1) if there are special reasons for the omission, and (2) if the Government now intends to make up the deficiency by promoting a sufficient number of Indians to the said list ?

**The Honourable Mr. W. M. Hailey :** (a) Six officers have been promoted to the General List of the Indian Audit Department since 1911, and they are all Europeans or Anglo-Indians.

(b) (i) and (ii). Promotions of subordinates to the General List are made by strict selection from amongst the Assistant Accounts Officers and senior Accountants without any regard to race or creed, and the six officers selected were the most able of their contemporaries. This omission of Indians is argely explained by the fact that formerly Europeans and Anglo-Indian.

preponderated in the higher grades of the Public Works Department subordinate account staff. For example, of the eight Public Works Chief Accountants in service in July 1911 six were Europeans or Anglo-Indians. The disparity has, however, been now extinguished. Of the eight Assistant Accounts Officers (Public Works Department) now in service four are Indians. Thus it is likely that in future a considerable share of such promotions will go to Indians.

#### DISCONTENTMENT IN ORDNANCE FACTORIES.

667. **Lieutenant-Colonel H. A. J. Gidney :** (a) Is Government aware of the great discontentment prevailing in the Ordnance Factories among the leading hands and Indian service mechanics due to the non-fulfilment of promises made to these men by the heads of their departments to revise their pre-war rates of pay, while the rest of the staff have been in receipt of substantial increment for some time ?

(b) Is Government aware that these men were promised in early 1918 that their rates were being revised along with the Home-recruited men, *viz.*, the Foremen and Assistant Foremen of the Factories, and that whereas the latter received in September 1919 an increase of pay averaging 35 to 40 per cent. over pre-war rates, the former received nothing more than the temporary war allowance sanctioned for both in 1918 ?

**Sir Godfrey Fell :** I would invite the attention of the Honourable Member to the replies given on the 11th March to the Questions asked by Dr. Gour, Nos. 440 and 443.

#### INDIAN SERVICE MECHANICS IN ORDNANCE FACTORIES.

668. **Lieutenant-Colonel H. A. J. Gidney :** (a) Is it not the fact that the leading hands and Indian service mechanics in Ordnance Factories after appealing for three years have just been granted only an additional 5 per cent. temporary allowance, whereas another 15 per cent. would have only cost Government approximately Rs. 1,400 monthly, and at the same time given these men a percentage of increase which would have brought them into line with increases granted to the rest of the staff ?

(b) • Is it not the fact that the Home-recruited men are being granted (if not already granted) a further increase of pay by way of 'overseas allowance' which gives them an increase of *nearly 60 per cent* over pre-war rates of pay and cost Government an additional  $1\frac{1}{2}$  *lacs of rupees* annually, while the leading hands and Indian service mechanics, 'for want of funds,' can only get a temporary allowance of *25 per cent?* over pre-war rates? If so, will Government please state the reasons for this differential treatment ?

(c) Does Government propose to see that necessary action is taken immediately to increase the temporary allowance of leading hands and Indian service mechanics in the same proportion as the increases sanctioned for the Home-recruited men, *viz.*, Foremen and Assistant Foremen; and also to recompense these men by early sanctioning a revised permanent scale commensurate with the present high price of labour, basing it on a time scale with retrospective effect to September 1919 as in the case of the Home-recruited men ?

**Sir Godfrey Fell :** (a) The Honourable Member is referred to the reply given by me on the 11th March to Question No. 440 asked by Dr. Gour. He will see that the increase of pay sanctioned to these men in January last represented a *permanent* increase of 25 per cent. over their pre-war rates of pay. An additional 15 per cent. bringing the total increase on pre-war rates of pay up to 40 per cent. would have cost Government Rs. 2,648 per mensem, and not Rs. 1,400 per mensem as stated by the Honourable Member.

(b) I have nothing to add to the reply given on the 11th March to clause (a) of Question No. 442 asked by Dr. Gour.

(c) The attention of the Honourable Member is invited to the reply given in answer to (b) of Question No. 443 asked by Dr. Gour on the 11th March.

#### DISTRICT JUDGES FROM THE INDIAN BAR.

669. **Lala Girdharilal Agarwala :** (a) How many District Judges, if any, are going to be recruited from the Indian Bar ? If so, when ?

(b) Will the Government be pleased to lay on the table a statement showing approximately the number of such appointments in each province, detailing the number of Vakil Barristers, Hindus and Muhammadans, and also detailing Brahmans and non-Brahmans in Madras ?

(c) How many more posts of District Judges in each province are going to be thrown open to the members of the Provincial Judicial Service ?

(d) Is it proposed to appoint the members of the Indian Bar or the Provincial Judicial Service to the posts of Registrar, Deputy and Assistant Registrars in the Indian High Courts, Chief Courts and Judicial Commissioners' Courts ; if so, when, and how many ?

**Mr. S. P. O'Donnell :** (a), (b) and (c). The Honourable Member is referred to the answers given to the similar questions asked by Khan Bahadur Saiyid Muhammad Ismail and Mr. Alli Baksh Muhammad Hussain on the 15th February 1921.

(d) The selection and appointment of persons to the posts referred to in the Calcutta High Court vests in the Chief Justice of that Court under clause (8) of its letters patent as recently amended. It may be added, however, that attorneys are usually appointed to the Registrarship on the Original Side, and that the corresponding appointment on the Appellate Side is borne on the cadre of the Indian Civil Service and is filled from that service. As regards the other High Courts the Honourable Member should address the Local Governments concerned.

#### DEPUTY COLLECTORS AND EXTRA ASSISTANT COMMISSIONERS.

670. **Lala Girdharilal Agarwala :** (a) Is the Government aware that many Deputy Collectors and Extra Assistant Commissioners in India are graduates in law and High Court Vakils who aspire for higher appointments than those at present thrown open to ordinary Deputy Collectors not so qualified ?

(b) Does the Government intend to open a door for them for High Court Judgeships by appointing some of them as District and Assistant Judges along with the members of the Indian Civil Service ?

**Mr. S. P. O'Donnell :** (a) The Government are not aware that there are many Deputy Collectors and Assistant Commissioners who cherish these aspirations.

(b) Promotion from the provincial services to appointments of District and Sessions Judge or Assistant Sessions Judge is reserved for members of the judicial branch of these services just as promotion to listed posts of District Magistrates and Collectors is reserved for the members of the executive branch. This was known to the officers referred to when they entered the executive branch and the Government see no reason to depart from the policy adopted hitherto; officers promoted from the provincial service to hold posts ordinarily held by members of the Indian Civil Service have the same opportunities of promotion as those who have been directly recruited.

#### EXPORT OF WHEAT AND OTHER FOOD-GRAINS.

671. **Lala Girdharilal Agarwala :** (a) What principle governs the control of export of wheat and other food-grains?

(b) To what extent and when and by whom may any such grains be exported and on what conditions?

**Mr. J. Hullah :** (a) With the exception of the 400,000 tons of wheat specially released for export in October last, allotments for export of wheat and other food-grains are only made to those countries, mostly with a large Indian population, which are ordinarily dependent on India for supplies or which cannot obtain their requirements from elsewhere.

(b) These allotments are distributed by the Collectors of Customs at Indian ports amongst established shippers to the destination concerned.

#### SUPPLY BILL TRANSACTIONS.

672. **Lala Girdharilal Agarwala :** (a) Are supply bill transactions made at tehsil sub-treasuries? If so, under what conditions and restrictions?

(b) If not, are the Government prepared to arrange that such transactions within reasonable limits be made at sub-treasuries also?

**The Honourable Mr. W. M. Hailey :** (a) and (b). Supply bills and currency telegraphic transfers are sometimes issued at and on sub-treasuries under special instructions from the Deputy Controller of the Currency of the circle concerned. No general conditions or restrictions are laid down. Each individual application is treated on its merits by the Deputy Controller of the Currency.

#### POWERS OF MINISTERS OVER TRANSFERRED SUBJECTS.

673. **Lala Girdharilal Agarwala :** (a) What are the powers of Ministers over Transferred Subjects in the Provincial Governments?

**Mr. S. P. O'Donnell :** The Honourable Member is referred to section 52 of the Government of India Act, the Devolution Rules, and the rules under section 19-A of the Government of India Act.

#### PRINTING WORK OF GOVERNMENT OFFICES AND HIGH COURTS.

674. **Lala Girdharilal Agarwala :** (a) Will the Government be pleased to state on what principles the work of Government offices and High Courts and other courts is given to private presses for printing?



(b) Has the question of giving the said work to all the presses who apply for the work and are not considered to be unreliable for special reasons, at reasonable terms, been considered?

**The Honourable Sir Thomas Holland :** (a) The Government of India are concerned only with the printing work of the Departments of the Government of India and subordinate offices. The printing work of all High Courts, excepting the Calcutta High Court, and of offices subordinate to Provincial Governments, is regulated by Local Governments. In order to ensure expedition, as well as economy, the Government of India have established State printing presses at Calcutta, Delhi and Simla. Work which cannot be done in these presses is entrusted to private firms subject to the examination of rates by the Controller, or local Superintendents of Printing. The printing of Government of India forms has also been given, for the last 40 years, to private firms on the best available terms.

(b) So far as the Government of India are concerned, the answer is in the affirmative.

#### INCREASED RATE POSTCARDS.

675. **Lala Girdharilal Agarwala :** Have any increased rate postcards been printed already?

**Mr. C. A. Innes :** The answer is in the negative. The Secretary of State wired out on the 14th March that to avoid delay he proposed to proceed with the manufacture of dies and plates at a cost of £100, but we cabled Home on the 22nd March that arrangements for the printing of half-anna postcards should be stopped. In India, as a precautionary measure, a number of postcards have been stamped with a half-anna surcharge.

#### DISTINCTION IN RAILWAY COMPARTMENTS.

676. **Haji Wajihuddin :** (a) Will the Government be pleased to state, with reference to Question No. 327, answered on the 1st March 1921 why the distinction between 'Europeans' and 'Indians' in the compartments of Intermediate class is allowed, when the same is not considered desirable for the first and second classes?

(b) Are the Government prepared to issue immediate instructions for the removal of the distinction from the former compartments also?

**Colonel W. D. Waghorn :** There is, so far as Government are aware, no general wish for reservation of separate compartments in the first and second classes. There is, however, a considerable section of the public which desires reservation in the lower classes, and consequently Government do not propose at present to remove such reservation entirely as at present exists.

#### DEPUTY SUPERINTENDENTS OF POLICE.

677. **Mr. Muhammad Yamin Khan :** Is it a fact that discontent prevails among the Deputy Superintendents of Police of all the Provinces and that they have submitted memorials to His Excellency the Governor General for a further increase in their pay in order to bring it to the level of Deputy Collectors? If so, what steps have been taken up to now to remove their discontent?

**Mr. S. P. O'Donnell:** Memorials have been received from the Deputy Superintendents of Police of several provinces showing that those officers are not satisfied with the rates of pay sanctioned for them and asking for a further increase. The memorials are under the consideration of the Government of India.

GOVERNMENT DEPOSIT IN THE IMPERIAL BANK OF INDIA.

678. **Rai Bahadur S. P. Bajpai:** Will the Government be pleased to collect information and lay on the table a statement showing the latest figures available as to the amount deposited in the Imperial Bank of India by the Government.

**The Honourable Mr. W. M. Hailey:** On the 18th March 1921, the public deposits in the Imperial Bank amounted to 4 crores 1½ lakhs.

GOVERNORS OF THE IMPERIAL BANK OF INDIA.

679. **Rai Bahadur S. P. Bajpai:** Will the Government be pleased to state what the Governors of the Imperial Bank are paid by way of pay and allowances?

**The Honourable Mr. W. M. Hailey:** The Governors of the Imperial Bank appointed under section 28 (i) and (ii) of the Imperial Bank of India Act receive, under Bye-law 14 of the Bye-laws of the Imperial Bank of India, a fee of Rs. 200 for each Central Board meeting which they attend, together with the amount of their travelling expenses, if any, and a fee of Rs. 50 for each committee meeting of the Central Board which they attend; no fees are paid for attendance at additional meetings.

680. **Mr. Syed Nabi Hadi:** (*Fide* pages 1619-1620 of these Debates.)

ARMY HEADQUARTERS EMPLOYEES AND HIS HIGHNESS THE DUKE OF CONNAUGHT'S VISIT TO DELHI.

681. **Munshi Mahadeo Prasad:** (a) Is it a fact that officers and clerks of Army Headquarters at Simla and other places, if any, were permitted to have a trip to Delhi at the Government expense on the occasion of the visit of His Royal Highness the Duke of Connaught to Delhi?

(b) If the answer to (a) be in the affirmative, then will the Government be pleased to state (i) what has been the total expenditure so incurred, (ii) the number of officers and clerks who got this concession, and (iii) how many of them were Indians and Europeans, respectively?

**Sir Godfrey Fell:** (a) The answer is in the negative.

(b) This part of the question does not, therefore, arise.

ROYAL AIR FORCE IN INDIA.

682. **Munshi Mahadeo Prasad:** Will the Government state:

(a) If it intends taking in its own hands the policy regarding the Royal Air Force in India? If not, why not?

(b) If it intends taking steps to get the Royal Air Force open to Indians?

(c) If there be any bar, then the nature and authority for the same?

**Sir Godfrey Fell:** (a) The question is not understood. The Royal Air Force is a British Service, controlled by the Air Ministry in the United

Kingdom. Units of the Royal Air Force are lent for service in India, and while in India, they come under the command of His Excellency the Commander-in-Chief and under the administrative control of the Government of India.

The Air Officer Commanding, Royal Air Force, is responsible to the Commander-in-Chief for the efficiency of the Royal Air Force in India. He prepares the estimates and administers the budget of the Royal Air Force, subject to the direct control of the Commander-in-Chief. He is permitted to correspond direct with the Royal Air Force authorities in England on technical subjects, including the supply of technical stores for which provision has been made in his budget or for which special sanction has been obtained.

(b) and (c). As I explained in reply to a question asked by Munshi Iswar Saran, on the 22nd February, recruitment for the Royal Air Force is in the hands of His Majesty's Government. The Government of India are not aware that there exists any bar to the admission of Indians to the Royal Air Force, subject to their fulfilling the necessary conditions. They propose, however, to inquire from His Majesty's Government what is the exact position in regard to the admissibility of Indians into the Royal Air Force.

#### RACIAL DISABILITIES IN THE ROYAL AIR FORCE.

683. **Munshi Mahadeo Prasad:** (a) Is it a fact that racial disabilities exist even in the clerical establishment of the offices of the Royal Air Force in India?

(b) Is it a fact that higher scale of pay has been introduced for European and lower for Indian clerks in the Headquarters of the Royal Air Force? If so, what is the difference between the two?

(c) Is it a fact that prior to September last, Indians could become Superintendents and get more than Rs. 200 a month in Headquarters of Royal Air Force, but now cannot?

(d) Is it a fact that there is a general discontent among the Indian clerks of the Headquarters of the Royal Air Force? If so, what do the Government of India propose to do to remove this discontent?

**Sir Godfrey Fell:** (a) The answer is in the negative. On the constitution of the Royal Air Force, the senior administrative unit of a group of Air Force Squadrons, such as we have in India, was termed a Group Headquarters. This headquarters has a standardised establishment and may be compared with a Brigade or Division Headquarters in the Army. The clerical establishment consists mainly of Air Force personnel trained in technical capacities; and as the Group Headquarters of the Air Force in India is a mobile unit, liable to be moved anywhere within and outside India, it is imperative that the senior clerical personnel should be serving airmen of the service.

(b) The European clerks receive their ordinary rates of pay as fixed by the Air Ministry for all units of the Royal Air Force. The pay of the Indians employed in the Group Headquarters of the Air Force in India is based on the duties they are called upon to perform and on the rates pertaining to similar posts in other Government offices.

(c) The answer is in the affirmative. Prior to September last, it was possible for an Indian to become a Superintendent in the Headquarters of the

Air Force, but subsequent to that date, the post of Superintendent was abolished.

(d) A memorial dealing with certain grievances has recently been submitted by the Indian clerks of Royal Air Force Headquarters, this is now under the consideration of Government. From the fact that applications to serve at Royal Air Force Headquarters are constantly being received from Indians, it may be inferred that this service is not unpopular.

#### HEADQUARTERS OF ROYAL AIR FORCE.

684. **Munshi Mahadeo Prasad:** (a) Is it a fact that Headquarters of Royal Air Force have been treated hitherto as a branch of Army Headquarters. If so, is it a fact that a uniform time scale of pay has been applied to all clerical establishments of the Army Headquarters except Headquarters Royal Air Force? If so, why?

(b) Is it a fact that the clerical staff of Army Headquarters have been sanctioned an increment of pay except that of Headquarters of Royal Air Force?

**Sir Godfrey Fell:** From 1915 to 1918 the Royal Flying Corps Headquarters in India formed part of Army Headquarters, India.

When the Royal Air Force was formed in 1918 as a separate service, the flying units then in India were entirely separated from the administrative control of Army Headquarters. The conditions of clerical service which apply to Army Headquarters are not therefore applicable to the Royal Air Force.

#### INDIAN CLERKS OF HEADQUARTERS ROYAL AIR FORCE.

685. **Munshi Mahadeo Prasad:** Has any representation been received from the Indian clerks of Headquarters Royal Air Force, about increment and other grievances? If so, what action has been taken or is proposed to be taken to meet their wishes?

**Sir Godfrey Fell:** I would invite the Honourable Member's attention to my reply to (d) of his Question No. 683.

#### AUTOMOBILE TRAFFIC BETWEEN MECCA AND JEDDAH.

686. **Haji Wajihuddin:** Has the Government any information regarding the introduction of automobile traffic between Mecca and Jeddah?

Is it a private arrangement or connected with the Hedjaz Government and is it intended to carry stores only or both pilgrims and stores?

**Mr. H. Sharp** (on behalf of the Honourable Mr. Denys Bray): So far as the Government of India is aware, there is no automobile service between Jeddah and Mecca. They believe there were a few motor cars, presumably privately owned, running on the road last year.

#### PROVINCIAL POLICE SERVICE.

687. **Mr. Wali Mohamed Hussanally:** Will the Government be pleased to state what action has been taken on the memorial and representations submitted last year by the Provincial Police Service of different provinces in India, on the subject of their grievances in the matter of pay and prospects as compared with other Provincial services?

**Mr. S. P. O'Donnell:** The memorials are under the consideration of the Government of India.

#### INDIAN SUPERINTENDENTS OF POLICE.

688. **Mr. Wali Mohamed Hussanally:** Will the Government be pleased to state how many appointments of Indian Superintendents of Police have been or will be made by promotion, and if so, when from the existing cadre of Deputy Superintendents in each Province in pursuance of the orders passed by the Government of India in the Home Department in their letter No. 1227, dated the 30th June 1920?

**Mr. S. P. O'Donnell:** The Government of India are unable to give the detailed information asked for. Recruitment to the Indian Police will, under the new system which is to come into force this year, be so regulated that eventually 11 per cent. of the superior appointments will be filled by promoted Provincial Service Officers, but the time which must elapse before this percentage can be fully worked up to must necessarily vary with the conditions obtaining in the Police cadre in each province.

#### SUPERINTENDENTS OF POLICE AND THE PROVINCIAL SERVICE

689. **Mr. Wali Mohamed Hussanally:** Has the attention of the Government of India been invited to a reply of the Bombay Government in the first session of the new Council (to a question of Khan Sahib S. N. Bhutto, O.B.E.) to the effect that no orders have as yet been received increasing the number of Superintendents of Police to be held by the members of the Provincial Service? Will the Government kindly state when such orders will issue?

**Mr. S. P. O'Donnell:** The attention of Government has not been drawn to the question and answer referred to. No specific orders have issued or will issue increasing the number of superior posts in the Indian Police to be held by members of the Provincial Police Service, but, as I have just informed the Honourable Member in reply to another question, officers of the Provincial Service will be promoted to the Indian (Imperial) Police so as eventually to hold 11 per cent. of superior appointments. The new system of recruitment, in which the provision above mentioned is included, is to come into force this year, and this decision was communicated to Local Governments in June 1920.

#### INDIAN DEPUTY SUPERINTENDENTS AND SUPERINTENDENTS OF POLICE.

690. **Mr. Wali Mohamed Hussanally:** (a) Are the Government aware of the fact that the percentage of appointments to be made from Indian Deputy Superintendents to the grade of Superintendents was fixed at 5 only some 15 years back; that as a matter of fact out of the two appointments allotted to Indians in the Bombay Presidency one has been given away to a non-Indian (Eurasian or European) thus leaving only one appointment for a *bonâ fide* Indian after 15 years' long waiting?

(b) Are the Government aware that the members of existing Provincial Police Service have been looking forward with impatience to their share in the higher branch of service. Will the Government be pleased to state when the new orders are likely to come into effect?

**Mr. S. P. O'Donnell:** The Honourable Member has correctly stated the percentage of superior posts which have hitherto been open to Provincial Police officers. The Government of India have no information regarding the facts alleged in the matter of promotion of Deputy Superintendents in the Bombay Presidency. As regards the remainder of the question I would refer the Honourable Member to the answers I have just given to his other two questions on this subject.

STAFF SELECTION BOARD AND APPOINTMENTS IN CERTAIN DEPARTMENTS.

691. **Babu K. C. Neogy:** With reference to the reply to Question No. 347, clause (g), will Government be pleased to state whether it is a fact that certain appointments have been given in the Legislative Department, the Department of Industries, and the Office of the Deputy Financial Adviser, Military Finance, to persons who have not passed the examination held by the Staff Selection Board?

**Mr. S. P. O'Donnell:** No exemptions have been granted by the Staff Selection Board—but in the Departments mentioned some men have been appointed who have not passed the Staff Selection Board Examination. In the Legislative Department, men were required urgently so as to be trained in their new duties well before the commencement of the current Legislative Sessions and it was therefore not possible to wait till the results of the examinations held by the Staff Selection Board had been determined. The Financial Adviser's Office was on a temporary basis and largely staffed with accounts clerk and as it was essential that there should be no break in the continuity of their work which is of a highly technical description appointments were given to men who had done well. In future, recruitment will be made through the Staff Selection Board. The Department of Industries had been organized in March 1920 on a temporary basis on the understanding that men would be made permanent if the Secretary of State sanctioned the full strength then employed. The permanent staff was eventually reduced but the undertaking had been given before the creation of the Staff Selection Board. No new men have been recruited since the creation of the Staff Selection Board on a permanent basis, and no men will be employed in future without reference to it.

• SELECTION GRADE POSTS IN THE IMPERIAL SECRETARIAT.

692. **Babu K. C. Neogy:** With reference to the statement made in reply to Question No. 347, clause (f), to the effect that the 'heads of Departments of the Government of India have neither the time nor the opportunity to obtain sufficient personal knowledge of the ability of each member of the clerical establishment,' will Government be pleased to state how and by what agency are selections of Assistants for promotion to the Selection Grades made?

**Mr. S. P. O'Donnell:** Generally speaking, the Deputy Secretary in each department deals with questions pertaining to the promotion of assistants within the department. In doubtful cases, he obtains the orders of the Secretary. What was intended to be conveyed by the words quoted by the Honourable Member was that the recommendation of a Head of a Department was not sufficient to justify exemption from appearance at the examination in question, without which a uniform standard could not be secured.

PERCENTAGE OF LITERATES IN DIFFERENT SECTIONS OF THE HINDU COMMUNITY.

693. **Mr. A. B. Latthe:** (a) Is the Government aware of the very great disparity in the percentage of literates, both in English and Vernacular, among the different sections of the Hindu Communities?

(b) Do the Government propose to obtain from Local Governments each year separate figures about the educational progress of all communities whose literacy is below 10 per cent. among males, and embody this information in a special Table in their Annual Bulletins on Indian Education?

(c) Are the Government prepared to call for reports as to what steps are taken by the Local Governments every year to bring up the Hindu Communities whose educational progress in the fields of primary, secondary and higher education has been very slow, and to summarise that information in the said bulletin on Indian Education?

(d) Was the problem of the abnormal educational backwardness of some Hindu Communities, relatively to the great progress made by others, considered by the Central Advisory Educational Board? If so, what were the conclusions arrived at by the Board in this respect?

**Mr. H. Sharp:** (a) The Government of India are aware of the great disparity in the percentage of literates belonging to the more advanced and the more backward Hindu communities, as disclosed at the Census of 1911.

(b) The suggestion of the Honourable Member, if adopted, would involve every year the preparation by the officers of the Provincial Education Departments of a table somewhat similar in character to table IX of the Census Report. The benefit derived from the annual compilation of such a table would not be commensurate with the expenditure of time and trouble involved.

(c) The annual reports of Directors of Public Instruction usually contain information as to the educational progress of backward communities. A summary of the information most recently supplied will be found at pages 19 and 20 of Indian Education in 1919-20. General Table III-A of the annual educational returns compares Brahmans and non-Brahmans in respect of numbers attending educational institutions; and, as regards the communities which are generally termed 'the depressed classes', elaborate figures were shown in Appendix XIII to the last Quinquennial Review of the Progress of Education and were summarised in Chapter XVIII of the same publication. It is hoped to collect this information again for the next Quinquennial Review.

(d) The answer to the first part of this question is in the negative. The education of backward classes would not form a suitable subject for consideration by the Central Advisory Board inasmuch as the conditions of this problem vary greatly from province to province and different methods of dealing with it have been adopted by different Local Governments. Education being now a provincial transferred subject, the problem is essentially one for Local Governments to handle.

AUDIT OF EXPENDITURE ON STORES.

694. **Sir P. S. Sivaswamy Aiyer:** (a) Will the audit of expenditure on stores purchased in England for India be under the control of the Auditor-General in India?

(b) If this is not intended, what steps will be taken by Government to safeguard the interests of the Indian tax-payer?

**The Honourable Mr. W. M. Hailey :** (a) No.

(b) Under sub-section (2) of section 27 of the Government of India Act, all expenditure of the kind in question must be audited by the India Office Auditor, who is appointed by His Majesty the King-Emperor. A perusal of the other sub-sections of the section will, I think, make it quite plain that the conditions under which the India Office Auditor is required to work are such as to safeguard very materially the interests of the Indian tax-payer.

#### STORES PURCHASES IN ENGLAND.

695. **Sir P. S. Sivaswamy Aiyer :** (a) Will financial irregularities brought to light in connection with the stores purchases in England, be brought under the review of the Public Accounts Committee appointed by the Indian Legislature?

(b) If not, how will the Legislative Assembly be in a position to exercise any voice over the heavy expenditure in England on its accounts?

**The Honourable Mr. W. M. Hailey :** (a) I have explained in my answer to the previous question that all expenditure on stores in England will be audited by the India Office Auditor. A copy of the report of the Auditor, which is submitted to the Secretary of State and to both Houses of Parliament, is sent to the Government of India also. I am quite prepared to lay copies of such reports when received before the Committee on Public Accounts and to send to the Secretary of State in Council any remarks on the Auditor's reports which the Assembly may desire to make after considering the recommendations of the Committee on Public Accounts.

(b) In view of my reply to clause (a) this question does not arise.

#### SALE OF SALT IN THE UNITED PROVINCES.

696. **Mr. J. Chaudhuri :** (a) Do the Government of India propose to appoint agents for the sale of salt in the United Provinces of Agra and Oudh?

(b) Are the Government aware that the appointment of such agents has the effect of raising the retail price of salt?

**The Honourable Sir Thomas Holland :** The Government of India have consulted the Local Governments of the Punjab, United Provinces and Bihar and Orissa on a proposal for the appointment under the control of district officers of agents in each district who will keep an adequate stock of salt from the Northern India Sources and sell it at prices to be fixed by the district officer with due reference to the cost at the source, transport charges and a small and fixed margin of profit. It is hoped that this system will insure the salt being sold to retailers and consumers at reasonable prices and will prevent the reckless speculation and profiteering that has characterised the trade in recent times. It is claimed that the proposal will have an effect



exactly opposite to what is suggested in the second part of the Honourable Member's question.

The statement laid on the table in reply to Question No. 385,\* dated 5th March 1921, which it was stated would be printed later, is published below :

*Statement laid on the table in connection with the reply to Question No. 385, dated 5th March 1921.*

(b) (*ie*) Scales of pay for Anglo-Indian, Hindu and Muhammadan clerks are the same, also for Station Masters and Assistant Station Masters. In the Locomotive Department, different scales of pay exist for Indians and Anglo-Indians (including Europeans) running staff as will be seen from the list given below :

*Drivers.*

Indians (Hindu and Muhammadan).	Anglo-Indians
34	140
36	150
38	160
42	170
46	180
50	190
54	200
58	210
62	220

*Shunters.*

Indians (Hindu and Muhammadan).	Anglo-Indians.
23	110
13	75
14	85
15	90
17	
18	
19	

NOTE.—It is pointed out that Indian running staff are mostly illiterate whereas Anglo-Indian firemen must have at least passed the Standard VI before they are appointed.

The Resolutions† of the Government of India Nos. 2559, dated 1st December 1920, 1260, dated 24th June 1920, and 2353, dated 1st November 1920, referred to in the reply to Question No. 467, dated 15th March 1921, have been published in *Supplements to the Gazette of India* dated 4th December 1920, 26th June 1920 and 6th November 1920.

\**vide* page 594 of these Legislative Assembly Debates, Volume I, No. 8.

†*vide* page 1066 of the Legislative Assembly Debates, Volume I, No. 11.

## THE CALCUTTA UNIVERSITY BILL.

## MESSAGES FROM THE COUNCIL OF STATE.

**The Honourable the President:** I have received a message from the Secretary of the Council of State :

'I am directed to inform you that the Council of State have, at their meeting of 26th March, agreed without any amendment, to the Bill to amend the Law relating to the Calcutta University, which was passed by the Legislative Assembly on the 17th March 1921.

H. MONCRIEFF SMITH,  
*Secretary of the Council of State.*

## THE HINDU TRANSFERS AND BEQUESTS (CITY OF MADRAS) BILL.

**The Honourable the President:** Another Message from the Council of State :

'I am directed to inform you that the Council of State have, at their meeting of 26th March, agreed without any amendment, to the Bill to declare the right of Hindus to make transfers and bequests in favour of unborn persons in the City of Madras, which was passed by the Legislative Assembly at its meeting of 21st March 1921.

H. MONCRIEFF SMITH,  
*Secretary of the Council of State.*

## THE INVALIDATION OF HINDU CEREMONIAL EMOLUMENTS BILL.

**Mr. A. B. Latthe:** Sir, I beg to move for leave to introduce a Bill to amend the law relating to the emoluments claimable by Watandar Hindu priests.

The only thing that I wish to add to the Statement of Objects and Reasons is, that under the rules framed under the Government of India Act, this is a central subject and cannot be dealt within a Provincial Council; and that is the reason why, although this Bill applies principally to the Bombay Presidency and some parts of the Central Provinces, I am asking this House for leave to introduce it here. I may also add that this Bill does not seek to interfere with any vested rights in property or anything of the kind. It simply seeks to declare the claims of the hereditary priests to fees from persons who do not employ them at their ceremonials as being invalid. That is the only purpose of the Bill and I hope that the House will permit me to introduce this Bill.

The motion was adopted.

**Mr. A. B. Latthe:** I introduce the Bill, Sir.

RESOLUTIONS *RE* ESHER COMMITTEE'S REPORT.

**The Honourable the President:** There are fifteen Resolutions on the paper in the name of Sir Sivaswamy Aiyer. It will be for the convenience of the Assembly if a certain latitude is allowed to Sir Sivaswamy Aiyer in moving his first Resolution, in order that he may deal with the general subjects raised by the Report of the Esher Committee. I hope it will be generally understood that in allowing the Mover a certain amount of latitude, that deprives him, and to some extent those who follow him, of their full rights of

(The President.)

discussing every Resolution as it is put from the Chair. The proposal is, therefore, that I do not strictly enforce the rule relating to the half-hour time limit on speeches by Movers of Resolutions in the case of Sir Sivaswamy Aiyer, he on his part undertaking not to do more than move formally each successive Resolution standing in his name.

**Sir P. S. Sivaswamy Aiyer :** Sir, the course which, in view of the very limited time at our disposal and the large number of Resolutions which have to be considered by the Assembly, I should like to pursue, with your permission, is to make one speech introducing not merely my first Resolution, but all the other Resolutions. The whole series of Resolutions is a compact one and they all really hang together; and in order to enable the Assembly to follow the whole series of Resolutions, it would, I think, be desirable that I make some general remarks in my speech now explaining the reasons which led the Committee to put forward these recommendations. After my first speech I have no intention of coming before you again with any speech upon the subsequent Resolutions after the other Members have been called upon to speak. This course will, I am sure, save the time of the House, save my own energies and be conducive to the convenience of all.

Sir, the terms of the reference to the Esher Committee were wide enough to include the whole question of the administration and the organisation of the Army in India, with reference to post-bellum conditions. But, notwithstanding the very wide terms of reference to them, the Committee took a somewhat unduly restricted view of their duties. They did not consider it necessary to go into the question of the strength of the army, the composition of the army, nor even

‘The specific purposes for which the army is required in view of the greater responsibilities assumed by the British Empire in consequence of the Treaties of Peace recently concluded’.

I am quoting their own words. They gave no opinion upon the ratio of the British to the Indian troops; the only point of view from which the committee approached the question of army administration and organisation was how to make the army, such as it is, a more efficient machine and a more contented machine. That was the only point of view which they placed before themselves. Now, I grant that efficiency and contentment are important considerations in the administration of an army, and efficiency depends upon contentment. An army which is not efficient is worse than useless. But the Committee forgot that an army which imposes heavy financial burdens upon the people and absorbs the greater part of the revenues of the country is bound to create discontent, especially when it cannot enlist the sentiment of national pride in its support.

**Mr. H. E. Spry :** Will the Honourable Member speak a little more loudly? We cannot hear him here.

**Sir P. S. Sivaswamy Aiyer :** I have got a weak voice, but I shall do what I can. The Committee paid little heed to the question of the cost of their proposals or the training of the nation for self-defence or the gratification of national aspirations. The result was that the report of the Committee was not merely disappointing, but created feelings of alarm, alarm with regard to the fiscal burdens it might impose, and alarm with regard to the question of national training for self-defence. I may call your attention to

an article which appeared in that notorious Tory organ, the *Morning Post*, which said that the effect of the Committee's proposals was to raise an effective barrier against the Babu for quite a generation. The committee of the Assembly, Sir, has sought to supply some of the defects in the report of the Esher Committee. Our conclusions are not merely critical but constructive. Our committee, I am sorry to say, has not been able to deal with all the subjects which have been dealt with in the report of the Esher Committee; for instance, we have not been able to deal with the question of the organization of the Indian Medical Service, of the relations between the Indian Medical Service and the Royal Army Medical Corps; nor has it been able to deal with the question of the separation of the civil medical service from the military medical service. We have not been able to devise any measures for immediate relief from the burden of Military charges. We have not even been able to feel that we have touched the bottom of the military charges. We are unable to understand how the Chancellor of the Exchequer in England was able to declare from his place in the House of Commons a few days ago that the normal expenditure of the Army in England would be £69 millions and would enable England to maintain an army of about 340,000 odd soldiers. On the other hand, our Finance Minister declared in his speech introducing the budget that our normal expenditure for military purposes would be Rs. 58 crores per annum. We are convinced, however, that our recommendations adumbrate the only sound line of policy and that they are bound eventually to result in economy and national efficiency. I shall just say a few introductory words with regard to the recommendations of the Committee.

The first two recommendations of the Committee deal with the main question of the purposes for which the Army in India exists. This is one of the basic questions of any inquiry into the administration or organization of the Army. We declare that the purpose of the Army in India must be held to be defence against external aggression and the maintenance of internal peace and tranquillity: and we go on to say that to the extent to which it is necessary for India to maintain an army for these purposes, its organization, equipment and administration should be thoroughly up to date, and with due regard to Indian conditions, in accordance with present-day standards of efficiency in the British Army so that when the Army in India has to co-operate with the British Army on any occasion there may be no dissimilarities of organization, etc., which would render such co-operation difficult. For any purpose other than those mentioned in the first sentence the obligations resting on India should be no more onerous than those resting on the Self-governing Dominions and should be undertaken subject to the same conditions as are applicable to those Dominions. I do not think that this Resolution will meet with any real criticism. I am sure it will commend itself to all. The size, the limits of the Army must necessarily be determined by the purposes for which it is maintained, and those purposes are the two which are mentioned in this Resolution.

Upon one point is absolutely necessary to make our intention clear, namely that the equipment, organization and administration should, as far as possible, correspond to those adopted in England. Our standard of efficiency must be the same as the standard of efficiency that is aimed at in England. We also desire to make it clear that we have no desire to shirk our obligations as regards the defence of the empire. We are quite willing to share the burdens which in this respect rest upon all the members of the empire, and all we ask

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is that we should be called upon to undertake those burdens subject to the same conditions to which the Self-governing Dominions are subject.

Then the second part of this Resolution seeks to repudiate the assumption underlying the whole Report of the Esher Committee : (1), That the administration of the Army in India cannot be considered otherwise than as part of the total armed forces of the Empire, and (2), that the military resources of India should be developed in a manner suited to Imperial necessities. I am in fact quoting the *ipsissima verba* of the Esher Committee's Report. The Esher Committee cannot get out of the fact that their language throughout the report implies a desire to determine the organization of the Indian Army with reference to the possibility of operations in the middle East as the result of the normal political machinery created by the Peace Treaty and the disturbed condition of the middle East brought about by European diplomacy and politics. In this connection, I may point out that my Honourable friend, Sir Godfrey Fell, has given notice of an amendment which substantially does not differ from ours except to this extent ; we take it that there are two assumptions underlying the whole report, and we are abundantly supported in our conclusions by the language of the Report. Sir Godfrey Fell does not wish it to be taken that the Committee has assumed these two things. He also asks that the Government of India should repudiate these two assumptions ; The only point of difference between myself and my Honourable friend, Sir Godfrey Fell, being that he objects to our stating that these assumptions were made in the Esher Committee's Report. Whether those assumptions are there or not it is for the Assembly to judge. All that I should like to observe in regard to this Resolution before I pass on, is this. Every one knows that just as India is part of the Empire, the armed forces of India must also be part of the Empire. Did the Esher Committee only mean to lay down this arithmetical truism ?

Did they mean nothing more than that when they said that the military resources of India should be developed in a manner suited to Imperial necessities ? Whatever they meant, what they said can only mean what our Committee have said, they meant and I am glad that Sir Godfrey Fell on behalf of the Esher Committee has come forward to state that the Esher Committee had no such intention as that.

Now, Sir, I pass on to another Resolution. The members of the committee thought it necessary that the purposes for which the Army exists should not only be declared positively but should also be defined negatively, by stating for what purpose the Army should not be employed, and it was because they wanted to make the intention clear both positively and negatively that they went on to enunciate the recommendation contained in Resolution No. 2, that the army in India should not as a rule, be employed for service outside the external frontiers of India, except for purely defensive purposes, or with the previous consent of the Governor General in Council in very grave emergencies, provided that this Resolution does not preclude the employment on garrison duties overseas of Indian troops at the expense of His Majesty's Government and with the consent of the Government of India. Now the words 'external frontiers' are no doubt an elastic term, but we cannot help it. It may not be wise or possible for us to wait till the Bolsheviks knock at our gates. It is impossible to be more precise, and the object of the committee in providing for the use

of the army, with the previous consent of the Governor General in Council, in very grave emergencies, was to provide for cases where the army might be required for service outside the external frontiers of India, on occasions like the one when Lord Hardinge sent the Expeditionary Force from India to Flanders. It is emergencies of that kind that the Committee had in view when they put in the words 'in very grave emergencies.' Our object was not to say anything which would enable the Government to employ the army for offensive purposes, but to enable the Government to utilise the army for common purposes which would commend themselves to all as purposes justifying the employment of the forces of all parts of the Empire. The Committee wanted to be quite clear that the Army in India should be employed only for defensive purposes, and that if it was ever required for services in very grave emergencies, it should be only with the consent of the Governor General in Council. As I said on a former occasion, the reason why we thought it necessary to reiterate this condition was that though the statute forbids the employment of Indian revenues, except with the consent of Parliament, for the use of the Army outside the frontiers of India, it does not forbid the employment of Indian troops if the English Government pays for the expenditure. We do not wish to participate even to that extent, unless the emergency be really a very grave one, unless the occasion is one of serious unprovoked peril to the whole empire. Now, Sir, it is conceivable that statesmen at home may desire to employ Indian forces in some parts of the middle East or in other places for schemes of imperial aggrandizement. We do not wish that the Indian Army should be utilized for purposes of that character. Then, with regard to the proviso here, I wish to explain that this was inserted at the instance of one member of the committee, and upon his suggestion which commended itself to other members also. It was suggested by Dr. Gour, that the employment of Indian troops on garrison duties overseas would furnish them with valuable experience of new conditions and environments, and that if the burden of expenditure involved in such employment were borne by the Imperial Government, we should not forbid such employment.

It seemed to the Committee that there might be some advantage in allowing our troops to be employed on garrison duties overseas, and that was the reason why this proviso was inserted.

Then, Sir, I go on to Resolution No. 3. This is likely to be a contentious Resolution. It seeks to bring about an assimilation between the system of army administration in India and the system in force in England. It deals with the relations between the civil authorities and the military. The Resolution is to this effect:

'This Assembly recommends to the Governor General in Council that the absence of full responsible Government in India, the differences in conditions between India and England, and the provisions of the Government of India Act do not warrant differentiation in the army administration between India and England in regard to the ultimate control of, and responsibility for, the defence of the country, and that in view of the desirability of assimilating the system of administration in India to that in the United Kingdom, which has been arrived at after prolonged experiments, and the desirability of emphasizing the principle of the ultimate supremacy of the civil power, it is essential that the Commander-in-Chief should, without prejudice to his official precedence, cease to be a member of the Governor General's Executive Council and that the Portfolio of Defence, including Supply, should be entrusted to a civilian member of the Executive Council assisted by an Army Council including the Commander-in-Chief and other high military experts and a certain number of civilians more or less on the model of the Army Council in England.'

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Now the system of army administration in England has been the subject of repeated consideration and repeated experiments ever since the Crimean war. At one time, there were numerous conflicting jurisdictions with regard to the administration of the army. The tendency of all these changes has been to simplify the administration, to reduce the conflict of jurisdictions, to promote efficiency and unity of direction and to mark also the principle of the supremacy of the civil power. The system which now obtains in England with regard to the administration of the army has been modelled upon that of the Admiralty. There is a Secretary of State for War who is responsible to Parliament and who is assisted by an Army Council consisting, if I am right, of 4 military members and 3 civilian members. The Army Council is a consultative body, though each of the military members of that Council is the executive head of some particular department. One of the objects of the system is, that it emphatically marks the supremacy of the civil power to the military; in fact it is the symbol of the supremacy of the civil power. *Prima facie*, there is no reason why this system should not be applied in India.

Now, upon this subject the Esher Committee's report is singularly meagre and unconvincing. They say, that there is no responsible government in India as in England and that the differences of conditions between India and England do not warrant the adoption of the English system. Here I would like to point out how the question of responsible government affects the matter at all. Where you have a system of responsible government, it is *necessary* that you should have at the head of the Army administration a Minister who is responsible to Parliament; but while responsible government requires that the administration of the army should be entrusted to a minister responsible to Parliament, the absence of responsible government does not preclude the adoption of the same system. It does not follow that where there is no responsible government it is wrong to entrust the ultimate control or administration of the Army to a civilian member of the government. That is a logical distinction which it is necessary to bear in mind. In fact, in other places, the Committee has often stated that it is desirable to assimilate the system in India to that in England. Both the majority and the minority of the Esher Committee, on questions on which they have differed, have admitted the desirability of assimilating the two systems; but where they do not like to assimilate the two systems, they rely upon differences of conditions and the presence or absence of responsible government. Beyond the *ipse dixit* of the Esher Committee upon this question, I find no reason which satisfies me that the absence of responsible government must forbid the vesting of the ultimate control of military administration in a civilian. On the other hand, it would be more consistent with the approach of India to a self-governing status, and I would also refer you to a passage from the work of an eminent constitutionalist as to the advantage of this system. I refer to Sir William Anson. At page 208, Volume II, Part 2, this is what he says:

'The mode in which the system works may now be considered and the relations of the Secretary of State to Parliament and to the Army. His relations to Parliament are these. First, he must every year ask Parliament to legalise the standing Army and the rules necessary for its discipline, and to vote the money required for its efficiency in all branches of the service. And next, he must answer to Parliament, when called upon to do so, for the exercise by the Crown of its prerogative in respect of the Army. Aided by the Financial Secretary, he considers the demands framed by the military heads of the departments represented on the Council, and must endeavour to reconcile the requirements of the army

for money with the requirements of the Treasury for economy. The presence of the military members at discussions on these questions of supply, for which the whole of the Army Council is responsible, will tend to prevent that sharp antagonism which formerly existed between the representatives of the Service and the ministers responsible to Parliament for the cost of the army. But in the end the estimates for the various branches of the Service must depend upon the decision of the Cabinet, which, in forming its decision, is sure to keep in view the probable wishes of its majority in the House of Common and in the country. The Treasury loves economy for its own sake; the Cabinet loves economy because economy is popular, but it is collectively responsible, with the Secretary of State, for the condition of the army, and therewith for the security of the Empire. In the end perhaps the House thinks that the estimates are extravagant, while the army think they are insufficient. But there can be no doubt that the House is more ready to grant the sums demanded when the demand is made by a civilian, after passing the criticism of the Treasury and the Cabinet, than it would be if the demand were made by a military expert, who might be supposed to think no money ill spent which was spent on his department'.

There is the advantage, Sir, in handing over the portfolio of defence to a civilian member, an advantage which at least I am sure will be appreciated by His Excellency the Commander-in-Chief.

The proposal that I make is not a new one. It was entertained by Lord Lytton, and my authority for the statement is the Welby Commission's Report, page 22. So also Sir Ashley Eden. At the same time, I must confess, that there are many people in this country who think it very necessary, and probably very rightly, to preserve the dignity and the prestige of the office of the Commander-in-Chief. I have no wish to trench upon the dignity, the status or the utility of the Commander-in-Chief. The Government will be guided though not dominated, by him.

As a matter of fact the Esher Committee itself has gone a long way in giving away their case. They say, the Commander-in-Chief has such a heavy burden of work in the way of inspection, in the way of organization and in the way of supervision, that, notwithstanding all the pious dicta upon the virtue of concentration and authority in the hands of a single individual, they say he must be largely relieved in military matters by delegation and in civil matters altogether.

Now the solution we propose is one by which we would assimilate the system of administration here to the system in England. It would avoid the the fierce controversy between the majority and the minority as to how the departments of supply and production should be administered. Now, Sir, I feel convinced, and I may tell you that the Committee felt convinced, that the principle for which we are pressing is a right one, and that the sooner we press for its adoption the better. It may be said that the Secretary of State must be consulted, that the Cabinet at Home must be consulted, they may not be ready to accept it immediately. But the sooner we begin to hammer at it the better. Now with regard to this question, I may say that we have not framed any cut and dried scheme to work out the recommendations, but that is a matter of detail. What the Esher Committee dealt with in many many months, we had only six days to deal with and it has not been possible—nor could anyone expect such a thing—to produce a cut and dried scheme with regard to this question. Some of my Indian friends are naturally anxious as to the manner in which this proposal will affect the parity between the English and the Indian elements of the Executive Council. That is not a question affecting this issue of the administration of the Army but is an independent political issue, no doubt, of first rate importance. And that is an issue which ought



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to be pressed by itself, independently and on its own merits at the earliest possible opportunity.

Now, Sir, I come to Resolution No. 4 which reads :

'This Assembly recommends to the Governor General in Council that if the Portfolio of Defence including Supply is not entrusted to a civilian member of the Executive Council as recommended above, the proposal of the majority of the Esher Committee for the creation of a separate department for Production and Provision under a member of the Executive Council be not accepted, and that the proposal of the minority, namely, that the responsibility should be entrusted to a Surveyor-General of Supply, who should be a civil member of the Commander-in-Chief's Military Council, be accepted. This would seem to have the merit of being more logical and economical and would have the further advantage of avoiding the addition of a civil member to the Executive Council in connection with Military administration.'

The proposition is one which admits of argument on both sides, and the arguments on both sides have been very well summed up in the Report of the Esher Committee. On the whole, our Committee felt that the balance strongly inclined on the side of the minority. It is logically consistent because the Committee has said that you must concentrate all responsibility for administration in the hands of the Commander-in-Chief. Now if you entrust all responsibility for production and supply to a civil member of the Military Council, subordinate to the Commander-in-Chief, you will secure that ultimate unity of control and responsibility. If you appoint a civil member you will have a certain amount of dispersion and the minority headed by Lord Esher have pointed out the various weak points in the conclusions of the majority. Another consideration which weighed with us very largely was this. The Esher Committee referred in numerous places to the predominating importance of the Army in India. We do not wish to deny its just importance but we do not like it to have a *predominating* importance and it would be quite sufficient for us if the Portfolio of Defence has only one representative on the Executive Council in the same way as other Departments are represented on that Council. The Commander-in-Chief and the civil member would make two members of the Council representing Production and the Army while each of the other departments would be represented by only one member.

Sir, another thing which moves me personally is, that we shall have the pleasure of agreeing with our Honourable and gallant friend, Colonel Sir Umar Hayat Khan, who was cruelly described by a friend of mine as being a friend of every country but his own but whom I regard as an exceedingly amiable gentleman who carries his amiability to the point of extreme pliability.

Now, Sir, I pass on to Resolution No. 5 which reads :

'This Assembly recommends to the Governor General in Council that :

- (a) The Commander-in-Chief and the Chief of the General Staff in India should be appointed by the Cabinet on the nomination of the Secretary of State for India in consultation with the Government of India and the Secretary of State for War.
- (b) In the case of Army Commanders who are officers of the Indian Army the appointment should be by the Secretary of State for India on the nomination of the Government of India.
- (c) Appointments to the offices mentioned against Serial Nos. 3, 6, 7, 8, 10, 12 (Report Schedule annexed to Section VI) should be made in the manner proposed for Army Commanders.

- (d) The appointment of Secretary to the Military Department, India Office, should be made by the Secretary of State on the recommendation of the Government of India and after advice obtained from the Chief of the Imperial General Staff. He should, *ex-officio*, have the status of a Deputy Chief of the Imperial General Staff and should have the right of attending the meetings of the Army Council when questions affecting India are discussed. He should not be under the orders of the Chief of the Imperial General Staff.'

It is simply a question of the appointment of officers to the higher commands; the Commander-in-Chief, the Chief of the General Staff and so on. Our Committee have been guided throughout by the desire to make these appointments come under the control of the Government of India and give the Secretary of State, and the Government of India a voice—a determining voice—wherever possible in the appointment of officers to high commands. I do not think it is necessary to say more on this proposition.

Now, as regards my Resolution No. 6 which reads :

'This Assembly recommends to the Governor General in Council that the Commander-in-Chief's right of correspondence with the Chief of the Imperial General Staff should be subject to the restriction that it does not commit the Government of India to any pecuniary responsibility or any line of military policy which has not already been the subject of decision by them; copies of all such correspondence at both ends being immediately furnished to the Government of India and the Secretary of State for India'.

It relates to the question of the right of direct correspondence between the Commander-in-Chief and the Chief of the Imperial General Staff. Many of us felt that this right of correspondence should be exercised only in the ordinary way, that is passing through the channels of the Government of India and the Secretary of State. It was explained that this would involve endless delay and we thought it expedient that the Commander-in-Chief should be allowed to correspond directly with the Chief of the Imperial General Staff subject to the safeguards we have mentioned, namely, that it does not commit the Government of India to any pecuniary responsibility or any line of military policy which has not already been the subject of decision by them and that copies of all such correspondence at both ends should be immediately furnished to the Government of India and the Secretary of State. I am sure all will admit that that is a harmless and reasonable proposition. My next Resolution on the paper reads :

'This Assembly recommends to the Governor General in Council :

- (a) That the King-Emperor's Indian subjects should be freely admitted to all arms of His Majesty's military, naval, and air forces in India and the ancillary services and the auxiliary forces, that every encouragement should be given to Indians including the educated middle classes—subject to the prescribed standards of fitness, to enter the commissioned ranks of the Army and that in nominating candidates for the entrance examination, unofficial Indians should be associated with the nominating authority.
- (b) That not less than 25 per cent. of the King's Commissions granted every year should be given to His Majesty's Indian subjects to start with'.

Now, in the first place, I may explain that we are not satisfied that the experiment which has been recently made of admitting a certain number of Indians to the commissioned ranks has been made on a sufficiently liberal scale or has been made on lines which would ensure the success of the experiment. We have a feeling—I will not attempt to justify that impression—but I will only say that there is a feeling that in making this experiment the Government have probably given too great regard to considerations of aristocratic birth and so on.

[Sir P. S. Sivaswamy Aiyer.]

Sir, it is perhaps part of the divine law of compensation that aristocratic birth is not always coupled with an abundance of intellectual equipment and we are anxious that whatever experiment is tried should be tried under the most favourable conditions, which would ensure success, and not under conditions which would enable the gentlemen who make the experiment to say 'Oh I told you it would be a failure and it has turned out so.' There is a certain amount, I frankly confess, of distrust of Government action—not unjustified by their action in former years, as for instance when they appointed members to the Statutory Civil Service.

Then, I would just refer to one or two points upon which we lay stress, namely, that we should be admitted to all arms of the Service, to all arms of the ancillary services, that is, the Medical, Engineering, Veterinary and so on, and the auxiliary forces, which would include the Territorial Force. I am not using the word 'auxiliary' in the technical sense in which it is defined in the Auxiliary Force Act. I am using it in the broad general sense, not the technical statutory sense. We want that the Territorial Force should be open to Indians in all the branches in which the auxiliary services are open to the members of the community to whom the auxiliary services are open, and then we want that every encouragement should be given to Indians.

We shall be told that every encouragement has been given. They have passed a Territorial Force Act; they have even framed rules under it—30 rules, while they have passed 190 rules under the Auxiliary Force Act, and we shall be told that it only remains for the Indians to avail themselves of these. I would ask the House to bear with me while I refer to some of the experiences we had in the working of the Indian Defence Force, the predecessor of the Indian Territorial Force. In a pamphlet which was published some months ago the defects were all noticed and several recommendations were made by myself. I am sorry to have to refer to myself in support of these recommendations. But the suggestions which I then made in that pamphlet expressed briefly the defects which we complained of, and I will simply read them.

One of our suggestions was that the theory that the treatment of the Indian Auxiliary Force should in all respects be exactly the same as that accorded to the regular units of the Indian Army should be definitely abandoned and that the former should be practically self-contained instead of being attached to the latter. The Indian Defence Force was recruited not from the classes from which the Army was recruited but from the classes above them. And to apply this theory and treat them in the same manner in which the ordinary sepoy was treated was to court failure. As a matter of fact, our young men were treated a great deal worse. I had to carry on several months' correspondence before I got this generous concession from the Army Headquarters that we could arrange for the messing of the men and let them draw 4 annas per diem for rations, which amounts to Rs. 7-8-0 per mensem, while the sepoy is said to cost Rs. 14 per mensem. Next, that the scale of clothing should be revised. Our third suggestion was, that flogging should be abolished by statute. This has been done. Our fourth suggestion was, that the Indian designation of Subadar, Havildar, and Naik, should be abolished from the Indian Defence Force.

In conclusion we suggested that the nomenclature of the officers whether commissioned or non-commissioned should be exactly the same as in the European and Anglo-Indian Force and the pay and allowance should also be the same. Recruitment and promotion too should be regulated by the same principles and conditions in both sections. The members of the Indian Defence Force should be eligible for appointment to all arms of the defensive force. Next, the object of the training should be not merely to train men as soldiers but also to produce an efficient body of commissioned and non-commissioned officers to serve both as commanders and instructors. Next, the training, both initial and periodical, should be exactly the same in both the voluntary and compulsory services, and training centres should be established on the same principles. Would you believe it, that while there were nearly 40 training centres for the compulsory section of the Defence Force, there was only one centre for the whole of the Madras Presidency for the Indian section? The number of officers, commissioned and non-commissioned, should be in the same proportion to the strength of the unit in the Indian as well as the European and Anglo-Indian sections. It should be manned by Indians as far as possible.

I do not propose to dwell any further upon this Resolution, more especially as I am afraid the President must be watching the clock.

The next Resolution No. 8 is as follows:

This Assembly recommends to the Governor General in Council:

- (a) That adequate facilities should be provided in India for the preliminary training of Indians to fit them to enter the Royal Military College, Sandhurst.
- (b) That the desirability of establishing in India a Military College, such as Sandhurst, should be kept in view.

Now, we Indians have all along been clamouring not merely for the provision of facilities for training but also for the opening of a College like Sandhurst in India. The Committee of the Assembly has to some extent departed from these repeated wishes of the Indian community, repeated on many a platform and on many occasions. The reason why we have departed from that will be apparent in the few words that I am about to address. It was explained to us by Sir Godfrey Fell that the number of Indian cadets is at present 5 and that if our request for 25 per cent. of the commissions is granted, the annual number of recruits would be about 12 or say not more than 15. And he pointed out, that it would be extremely expensive to establish a college on the same lines, as the one at Sandhurst, in India for the benefit of these 12 or 15 students. You cannot have the same standard of instruction, the same types of instructors or the same high level of instruction. Another consideration which did weigh with us very largely was that if this system is to be given a chance of success, it is necessary that the future Indian officer should have opportunities of coming in close contact with his English confreres and that the training at Sandhurst would give him these opportunities. Whereas if he were kept here and trained here, apart from the English cadets who were trained at Sandhurst, he would have no opportunity of coming in contact with them, of getting on with them and of really being in a position to get on with them when he was appointed to a post in the Army.

That was the consideration which weighed with us. At the same time we say that the desirability of establishing in India a Military College should be kept in view.

[ Sir P. S. Sivaswamy Aiyer.]

The next Resolution that I wish to call attention to, is Resolution No. 9. That, I am glad to say, has not evoked any criticism in the shape of an amendment. The Resolution runs thus :

‘ This Assembly recommends to the Governor General in Council, that in the interests of economy and in view of the likelihood of the growth of the Indian element in the commissioned ranks, it is essential that before vested interests arise, the pay of all commissioned ranks in all branches of the army should be fixed on an Indian basis with an overseas allowance in the case of British officers and with a similar allowance for Indian officers holding the King’s Commission, when serving overseas.’

Now, Sir, the reason for this recommendation of the Committee was this. Take for instance the Indian Civil Service, the Service to which we are grateful for many things but which has set a very unfortunate and a very evil example in some respects. It is the most costly service. Its scale of salaries, while it may be perfectly suitable to the English members of the Civil Service, has unfortunately proved the model on which the Indian members of the Service and all the Indian and other services have framed their claims to remuneration. Our standard of living has been raised. Whether that is an unmixed advantage or not is a question which need not be considered. But almost every other service in India, European or Indian, has framed its demands upon the example set by the Indian Civil Service, and in so far as the scale of salaries fixed for the Indian Civil Service has set the example for the raising of the scale of salaries for all other services, English and Indian, I am afraid it has exercised an influence on the whole more to the bad than to the good. It is for the purpose of guarding against the growth of vested interests and against the framing of similar demands that we propose that the salaries should be fixed on the Indian basis. So long as it is necessary to rely upon an English element, you must pay them salaries which will attract them. We propose to divide the salaries into two parts, *viz.*, Indian pay *plus* an overseas allowance which is necessary to attract the British element.

Our next recommendation I think is probably one of the most important Resolutions that the Committee has recommended. It is this :

‘ This Assembly recommends to the Governor General in Council, that in view of the need for the preparation of India to undertake the burden of self-defence and in the interests of economy, it is essential that a serious effort should be made :

- (a) To organize and encourage the formation of an adequate territorial force on attractive conditions.
- (b) To introduce in the Indian Army a system of short colour service followed by a few years in the reserve.
- (c) To carry out a gradual and prudent reduction of the ratio of the British to the Indian troops.’

Excepting these three ways we really see no way of retrenchment of the cost of the army. It is here, that the salvation of India from the burden of military charges must be sought and not by tinkering with the various other proposals. If any substantial relief from fiscal burdens is to be secured, it is only by following these three methods that such relief can be had. The proposal to introduce a system of short service is in fact favoured in a way by the Esher Committee, though it has not succeeded in securing the assent of Colonel Sir Umar Hayat Khan, and it has also secured, I believe, the approval of the Government of India, if I am right in drawing that inference from the

Memorandum furnished to us by Sir Godfrey Fell. The reduction of the ratio of the British to the Indian troops is one of the essential remedies to be applied, but it can only be done gradually and prudently, and I do not think that any exception can be taken to this recommendation of the Committee.

Then, Sir, the next Resolution is No. 11, which runs thus:

‘This Assembly recommends to the Governor General in Council that officers in the Indian Territorial force should have the rank of the 2nd-Lieutenant, Lieutenant, or higher rank, as the case may be, and that no distinction should be made between the Indian territorial force and Indian auxiliary force in respect of the authority which signs the Commissions, and that officers in these two forces should take rank *inter se* according to dates of appointment.’

A few minutes ago, I told you about the necessity for encouraging the Territorial force, and I pointed to you what the difficulties were in the administration of the Defence Force. If there is one thing which would make the Indian Defence or Territorial Force hateful to me, it is this distinction in the designation of the commissioned ranks. An Indian officer, whatever may be his merits, whatever his educational qualifications, whatever his social status, can only rise to the rank of Subadar and perhaps of an honorary Lieutenant or honorary something else. This is a distinction which burns into the souls of many an educated Indian. We want that there should be no distinction made in this respect between the territorial force and the auxiliary force.

Then, Sir, I come to Resolution No. 12 which provides for the interchange of officers between the British and Indian services. I should be strongly opposed to any large proposals for the interchange of officers if it involved a serious burden on the taxpayer. But the Committee have provided three safeguards:

(a) That the cost to Indian revenues should not be thereby appreciably increased.

(b) That such proposals should not be allowed to interfere with a steady expansion in the proportion of King's Commissions thrown open to Indians in the Indian Army.

(c) That the interchange of British officers should, in no way, affect the control of the Government of India over the entire Army in India.

Subject to these three safeguards, any system which permits an interchange of officers between the British and Indian services of the Army can only be productive of good just as an interchange of officers in other departments too might be productive of equal good.

The next Resolution is No. 13 which runs:

‘This Assembly recommends to the Governor General in Council that having regard to the creation of two additional Commands in India, the Government of India do consider the expediency of reducing the size of the administrative staff at Army Headquarters.’

This is a question which it has not been possible for us unassisted to go into within the short time at our disposal. Instead of two Commands, we have now four Commands. Somehow we have an uneasy feeling that the administrative staff and the ministerial staff have all become enormously bloated. We trust largely to the influence of the Honourable the Finance Member to exercise a rigid scrutiny upon the strength of these various staffs.

Resolution No. 14 is also one of the important Resolutions.

It runs thus:

‘This Assembly recommends to the Governor General in Council, that as soon as the external and internal conditions of India permit, the Governor General in Council should, with the concurrence of the Secretary of State, appoint a Committee adequately representative of non-official Indian opinion for the purpose of examining and reporting upon:

[ Sir P. S. Sivaswamy Aiyer.]

(a) The best method of giving effect to the natural rights and aspirations of the people of India to take an honourable part in the defence of their country and prepare the country for the attainment of full responsible Government which has been declared to be the goal of British policy.

(b) The financial capacity of India to bear the burden of military expenditure.

(c) Her claim to equality of status and treatment with the Self-governing Dominions ; and

(d) The methods of recruitment to the commissioned ranks of the Indian Army.'

All these four points which are mentioned as suitable for an inquiry are points not covered at all by the report of the Esher Committee. The Esher Committee did not go into any of these questions, and that is why we ask that a committee adequately representative of non-official Indian opinion should be appointed to consider these things. As it was pointed out that the question of the total strength of the Army was not a question for laymen to decide, but was a question entirely for military experts, we have left it alone, and included only these other points.

Sir, the reason, why I am referring to external and internal conditions, is this. His Excellency the Commander-in-Chief has referred to these conditions in the speech which he made on the last occasion in this Assembly. The atmosphere which has been created by the non-co-operators is not one favourable to the discussion of proposals for a reduction of the Army. With the Bolsheviks in Bokhara intriguing with the Amir, with one or two Muhammadan leaders who are prepared to welcome an invasion by the Amir, because he is, after all, their co-religionist, and because, perhaps, it may help to revive Muhammadan ascendancy, with Hindu saints who prefer Bolshevism to British rule, who rely upon soul force as a barrier against invasion, and who seek to destroy the law-abiding disposition of the people, it must be obvious that the hands of Members of the Legislative Assembly are terribly weakened in proposing immediate action in the direction of retrenchment. That is why we propose, that as soon as external and internal conditions permit, this inquiry should be undertaken.

The next Resolution, Sir, is No. 15\*, which is merely explanatory. We only want fair play and no favour, and we want that Anglo-Indians should be as freely admitted as Indians into the Army.

If these proposals of the Committee are accepted, and I hope they will be, it will be the duty of the Government to see that they are faithfully carried out in practice. I do not think that, if they are accepted, they are likely to share the fate of the Queen's Proclamation. Lord Curzon once attempted to whittle down the Queen's Proclamation by relying upon the saving words 'as far as may be'. The current of public opinion now flows swift and strong, and Government must recognise that it cannot be held up for long without risk of inundation and disaster. If there is one feature more than another of the British rule which has filled Indians with a sense of humiliation and wounded their self-respect, it is the way in which they have been treated in the army of their own country and held to be only fit for being hewers of wood and drawers of water. Great Generals have not been wanting in the past in this country, and it is difficult to believe that the capacity and

\* This Assembly recommends to the Governor General in Council that Anglo-Indians should be included in the terms ' Indian subjects ' or ' Indians,' wherever such terms occur in the above Resolutions.'

talent for leadership have been altogether lost. Until this grievance is removed, Indians cannot walk with their heads erect among the peoples of the earth. It is a characteristic of the British rule in India, and perhaps also in England, that they never have the knack of doing the right thing at the right time. They let the psychological moment pass by and reasonable demands for justice and fair play are only conceded after years of persistent agitation. No task that the new Viceroy can set before himself can have a nobler purpose or meet with more grateful recognition than a determined attempt to retrieve the error of past policy in emasculating the whole nation and to restore India to the full vigour of her manhood. It was perhaps necessary in the dispensation of Providence that the people of India should be reduced to a helpless, formless pulp before being moulded together. The process has gone on sufficiently far and the Government will do well to realise the advantage to the Empire which will flow from the increased efficiency and increased contentment of her largest partner.

#### RESOLUTION No. 1.

**The Honourable the President:** The Resolution moved is :

'This Assembly recommends to the Governor General in Council :

(a) That the purpose of the Army in India must be held to be the defence of India against external aggression and the maintenance of internal peace and tranquillity. To the extent to which it is necessary for India to maintain an army for these purposes, its organization, equipment, and administration should be thoroughly up-to-date, and with due regard to Indian conditions, in accordance with present-day standards of efficiency in the British Army so that when the Army in India has to co-operate with the British Army on any occasion there may be no dissimilarities of organisation, etc., which would render such co-operation difficult. For any purpose other than those mentioned in the first sentence the obligations resting on India should be no more onerous than those resting on the Self-governing Dominions and should be undertaken subject to the same conditions as are applicable to those Dominions.

(b) To repudiate the assumption underlying the whole Report of the Esher Committee :

(i) that the administration of the Army in India cannot be considered otherwise than as part of the total armed forces of the Empire, and

(ii) that the military resources of India should be developed in a manner suited to Imperial necessities.'

**Khan Bahadur Sarfaraz Hussain Khan:** Sir, the learned Mover just now has not only moved one Resolution, but has made a general remark on all the Resolutions. I am now dealing with the first Resolution. I should say nothing against the Resolution; but as I differ from the principal part of it in a sense, I have to make some observations.

The learned speaker admits India's obligation to Great Britain. But worded as the Resolution is, such is not the case, and it gives quite a different impression. I would, therefore, have for it :

'That the purpose of the Army in India shall be the defence of India against external aggression, the maintenance of internal peace and tranquillity and the discharge of India's obligation as a partner in the British Empire to defend that Empire, against attacks from without or disruption from within.'

As this point is not quite clear in the Resolution just now moved, I desire to insert it. It is obvious, that as the Resolution stands, it loses sight of India's obligation to the Empire. The duty of the Indian army, in my opinion, should not be merely the defence and maintenance of order in India.

India is not what she was some years ago. India should now have far higher ideals than this. Her policy should not be selfish and parochial. She



[Khan Bahadur Sarfaraz Hussain Khan.]

has assisted the Empire and she must express her readiness to assist the Empire in times of need. She is a member not only of a world-wide Empire based on the mutual affection and toleration of its constituent parts. She has also been admitted on equal terms into the League of Nations and it is hoped that in time she may be a constituent part of a large world-wide state, the watchwords of which will be love and toleration for all and not hatred as it is taught at present. It is on these higher grounds and with a wider outlook of the world situation that I have placed my views before the House, and when India finds herself in such a position as I have described, she must feel accordingly and I am sure she will think nobly, feel nobly and act nobly showing herself to be a partner in the Empire and I am sure, if she acts as such, the feelings of India will be reciprocated not only in Great Britain but throughout the Empire. It is for these reasons, Sir, that I ask that the Resolution may be amended thus :

‘That the purpose of the Army in India shall be the defence of India against external aggression, the maintenance of internal peace and tranquillity and the discharge of India’s obligation as a partner in the British Empire to defend that Empire against attack from without or disruption from within.’

That is my object, Sir, in regard to Resolution No. 1. Now I have to make some observations . . . .

**The Honourable the President :** We will take each Resolution separately.

**Dr. H. S. Gour :** The members of the Select Committee who are responsible for the drawing up of this report which is under discussion are so heartily in accord with the loyal and patriotic sentiments to which we have just now listened that I can only feel that the Honourable Member who has just sat down could not have rightly read the Resolution to which he has taken exception, because I feel, Sir, that all the sentiments to which he has given expression are given their appropriate place in that Resolution. If he will turn to that Resolution, he will find that India’s duty to the British Empire, as a member of that Empire, has not been lost sight of, and it has been emphasized that her responsibility in that respect is a responsibility which is on a level with that of the other dominions of His Majesty. I do not think that my learned friend ever desired that India should accentuate her military strength to be kept up for the benefit of the British Empire. What my learned friend desires, and I think it is sufficiently clear from the Resolution which we have drafted, that her responsibility is to herself first and then to the rest of the British Empire. That is a conception which is commensurate and consonant with the conception of the British Empire as a whole, and a conception which not only finds place in the dominion of India but in the other dominions of England. I hope, <sup>therefore,</sup> ~~if~~ <sup>there is one</sup> ~~that~~ <sup>that</sup> Honourable gentleman will not prolong the discussion upon <sup>these</sup> ~~the~~ <sup>and with</sup> ~~the~~ <sup>in</sup> ~~the~~ <sup>regard</sup> to which the sub-committee was unanimous and <sup>therefore</sup> ~~must~~ <sup>must</sup> go on to other points upon which there is a great room for discussion and on which I think the discussion must be focussed.

**Mr. Eardley Norton :** On a point of order, Sir. I want to know whether subsequent speakers will be permitted to follow the example of Sir Sivaswami Aiyer and make a short speech on the whole subject of his Resolutions or whether each Resolution will be taken up separately and the speeches be confined to each such separate Resolution.

**The Honourable the President:** Provided he lays stress on the word 'short'. The Honourable Member will see that with the exception of one or two of the Resolutions there are amendments to be moved which will necessitate some discussion on most of the Resolutions on the paper. I imagine that the House will co-operate with the Chair in restricting rather than expanding discussion.

**Mr. M. K. Reddiyar:** Sir, I beg to move my amendment which runs as follows :

'That for the Resolution the following be substituted, namely :

'This Assembly recommends to the Governor General in Council that he should be pleased not to enforce the recommendations proposed in the Esher Committee Report which are disappointing inasmuch as the Indian interests are sacrificed by suggesting the saddling of India with burdens necessitated by Imperial Policy quite disproportionate to the slender resources and poverty of India and that the purpose of the Army in India must be held to be the Defence of India against external aggression and the maintenance of peace and tranquillity and war, recognising the rapid development of Military science giving rise to the necessity of improved Army equipments costing large sums of money to keep the Indian Army in an up-to-date condition with the present-day standard of efficiency so as to co-operate with the British Army where Imperial Policy demands it, expecting as justice demands that the British Parliament should contribute half the cost of the maintenance of the British Army in India and that the obligations thrust on India should be no more onerous than those resting on the Self-governing Dominions and should be undertaken subject to the same conditions as are applicable to Self-governing Dominions of the British Empire.'

It is unfortunate that these recommendations should be placed before this House at almost the last day of this long and wearied session when nearly 50 per cent. of the Honourable Members are obliged to go home, of course under press of other duties. How I wish these Resolutions were placed before this Assembly at the Simla session when the House is full. President Wilson once said :

'Hundreds of measures of vital importance receive, near the close of the exhausted session, without being debated, printed or understood, the constitutional assent of the representatives of the people.'

Sir, though I am a byman, not entitled to discuss questions entirely of a technical character like the military organization and efficiency and though we are pigmies before those giants that sat at that committee, yet what I have felt convinced on this important question I have put down in the form of a Resolution in as clear and plain language as possible to avoid further explanations on this difficult subject.

Sir, the illustrious authors of the report have entirely lost sight of the fact that India is a very poor country and not having this fact in mind they made their recommendations. Throughout the whole report, there are frequent references to efficiency. In this connection, Sir, I am reminded of an old story of a frog and a bull, where the frog in its jealous attempt to grow up to the size of the bull continued to drink water with the result that it burst and had its end. Our country should not certainly be asked to compete with Britain or other countries in matters of military efficiency. Efficiency, Sir, is a relative term. Lord Salisbury once said 'All efficiency must be relative,' that is, it must take into account not merely the requirements but also the resources of the people.

Ours is a poor country, overburdened with taxation, already spending 50 per cent. of its total revenues for military purposes when all other countries are spending far less than ourselves. There is no end to this increase of

[Mr. M. K. Reddiyar.]

military expenditure; I ask, Sir, if there is going to be any end at all if the Esher Committee's Report is given effect to. I learn we have to spend another 15 crores of rupees over and above the current year's budget allotment for the Army. If this is true, to ask us to spend this additional amount in the name of efficiency, in the name of internal and external disorders, is, what shall I say, *injustice*. The whole current of public opinion in the country is being poisoned by the bitterness caused by the enormous and alarming growth of military expenditure in the country. Unless the mother of Parliaments is going to meet us half way and relieve us of the burden, there will be no end to disaffection in the country. Sir, it is a question of the most vital importance, and it is only in the measure in which the Government deal with it reasonably that they will have identified themselves with the best interests of the country.

**Mr. Harchandrai Vishindas:** Sir, I rise to a point of order. Is this amendment admissible?

**The Honourable Mr. W. M. Hailey:** Sir, I merely wish, with your permission, to ask the Honourable Member (Mr. Reddiyar) to repeat to the House what we understood him to say about the necessity for an additional expenditure of 15 crores on the Army. If we understood that statement correctly, we should like to have an opportunity of answering it; if we understood him incorrectly, we should like to know what he did say.

**Mr. M. K. Reddiyar:** I said, that if the Esher Committee's Report is going to be given effect to, there will be another additional expenditure of 15 crores of rupees.

**The Honourable Mr. W. M. Hailey:** That is not correct.

**Sir Godfrey Fell:** Sir, before I deal with Mr. Reddiyar's amendment, I should like to take this opportunity of congratulating my Honourable friend, Sir Sivaswamy Aiyer, on the extremely able, the extremely lucid and, if I may say so, the extremely moderate, speech with which he has introduced this series of 15 Resolutions. If I mention one or two points—I am glad to say that there are only a few points on which I am not in agreement with him—it is, he will understand, in no spirit of carping criticism, but merely by way of explanation.

At the outset of his speech, he took exception to the fact that the Esher Committee did not deal with certain matters. These were the strength of the Army in India, the ratio of British troops to Indians, and the functions which the Army is called upon to perform. I should like to explain that all those subjects were debarred: we had instructions not to touch on them.

He then complained that we ignored the cost of our proposals. Sir, I have endeavoured hitherto, from reasons of loyalty, to avoid explaining this omission but, as I am directly challenged, I must say, that before the Esher Committee left India about this time last year, they put in a complete list of the proposals which they were likely to recommend which involved expenditure, and asked for an estimate of cost. They waited for that estimate till the end of June; and as they did not receive it, they had to issue their report without it.

The only other point I want to touch on, and it is a very minor one, is that though the sins of the Esher Committee are no doubt as numerous as

the sands on the seashore, there is one thing of which we are not guilty. We did not edit the *Morning Post*, nor did we write leading articles in the *Morning Post*, so that we cannot accept responsibility for the remark on that journal about the Babu to which my Honourable friend took exception.

I will now turn to Mr. Reddiyar's amendment. The Honourable Member's speech hardly reached me in an audible form but, judging from the amendment which he has moved, the three main points he makes apparently are as follows :

He speaks of the reactionary proposals of the Esher Committee; he says, that the Committee sacrificed Indian interests, and saddled India with burdens necessitated by Imperial policy; and he makes the proposal that the Parliament at Home should bear half the cost of the British Army in India.

Sir, it is extremely easy to condemn a report by an epithet. The Honourable Member is presumably a close student of the Esher Committee's Report, and I regret that he has not enlightened the Assembly as to the matters in which he regards that Report as reactionary, but has left the House to guess. As he has not explained in what way he regards it as reactionary I am unable to answer him.

I will therefore pass on to the next point, namely, that the Esher Committee proposed to sacrifice Indian interests and to saddle India with burdens necessitated by Imperial policy. Sir, I listened in vain to the Honourable Member's speech in the hope of obtaining some light on this point too. I give a categorical denial to the statement that India is being saddled by the Esher Committee with burdens necessitated by Imperial policy. I have already assured this Assembly, that the Army in India at the present time is maintained for India's own needs and for no other purpose; that is to say, so much of the Army in India as is paid for out of India's revenues. There is not a single man, not a single gun, maintained at this moment in India at India's own expense which is required otherwise than for India's own needs; so that a general statement of the sort made by the Honourable Member, unsupported by any facts, is not worthy of serious attention.

The third point is his proposal that the United Kingdom should be asked to bear half the cost of the British Army in India. Now, that is obviously a very attractive proposition, but what is the justification for it? In view of what I have just stated about the cost of the Army in India, and the object with which that Army is maintained, what reason have we to expect Great Britain to pay any part of the cost of our Army? We have the protection, in the first place, of the Royal Navy, towards which we contribute the magnificent sum of £100,000 a year. In the second place, we have, as I explained to the Assembly the other day, the whole of the armed forces of the Empire behind us in case we require assistance against an enemy. So I really do not think it is a practicable proposition to ask the Home Government to contribute towards the defence of India itself any further than it is doing now by maintaining a Navy, an Air Force, and an Army ready to come to our help in time of need.

Before I sit down, Sir, I should just like, as the Honourable the Finance Member has already done, to deny the statement—I do not know where the Honourable Member got his figures from—that the Esher Committee's recommendations would add 15 crores to our military burden, and to inform

[Sir Godfrey Fell.]

the House, that so far as can be foreseen, if all the recommendations of the Esher Committee which are likely to be accepted were to be sanctioned, the maximum cost would be 180 lakhs a year, and not 15 crores.

I oppose this amendment very strongly.

**Mr. Harchandrai Vishindas:** Sir, I support the Resolution which has been moved by Sir Sivaswamy Aiyer and oppose the amendment moved by Mr. Reddiyar for these reasons. Sir, I rose to a point of order, but I thought that the Chair was not with me. Therefore, I did not prosecute that proposition any further. Still I will explain what I mean. I find that the amendment does not really arise out of the Resolution and it is out of order in two other respects. In the first place, Mr. Reddiyar, while condemning the reactionary nature of the Esher Committee's Report, is becoming a reactionary himself. He wants the Indian Army to be tied down to the British Army because that necessarily must be the consequence if we are going to have half the cost of its maintenance from the British Parliament. I most strongly object to that. I say, that it is not consonant with our self-respect that we should get a contribution like beggars from other quarters. We should be able to maintain our own Army ourselves at our own cost. Of course, if any extra obligations are going to be imposed on the Army in the nature of its being called upon for service outside, then the cost should be borne by Britain, but that is quite different to formulating a proposal that for all time one-half of the maintenance cost should be paid from some other source. Furthermore, I submit, Sir, that as the amendment could not be admissible for the simple reason . . .

**The Honourable the President:** Order, order. I am not sure whether the Honourable Member is submitting a point of order or making a speech.

**Mr. Harchandrai Vishindas:** I am making a speech. I say, Sir, that my observations are both in the nature of a speech and also as pointing out to the House, that we should reject the proposal because it is not in order. By saying, that it is not in order I mean to say: Is it open to this House to pass any Resolution the result of which would be to dictate to the British Parliament, or for the matter of that to any other country, to make payment to us?

Sir, I think that the Resolution that has been moved by Sir Sivaswamy Aiyer explains in its wording, in the text, what the object of that Resolution is. The object of that Resolution is to point out for what purposes the Army in India has been created and what are the duties it has to perform; and, furthermore, it lays down that the Army should have for its object efficiency and proper organization so that, whenever it may be called upon to do its duty by the Empire, it should be able to do so. Whereas the amendment simply attacks the Esher Committee's Report, with which the Resolution is not in the least concerned. I submit, Sir, that we are here not for the purpose of considering the merits and demerits of the Esher Committee's Report or the recommendations that the Esher Committee have made, but I think—I am speaking subject to correction—that we are concerned with the report which has been submitted to us for consideration by our own Select Committee, and that we are concerned with the recommendations, in the nature of Resolutions, which have been submitted to us to-day. And therefore the amendment that has been moved by Mr. Reddiyar is one which is not appropriate and, if I

may use the words, out of order. I would therefore recommend to the House to pass this Resolution without further discussion because Sir Sivaswamy Aiyer has fully explained the reasons in support of his Resolution, and those reasons do not require any further elaboration, and to reject the amendment.

**Mr. Wali Mohamed Hussanally:** Sir, Sir Godfrey Fell paid a high compliment to Sir Sivaswamy Aiyer for the lucid speech he made in connection with the Resolution he has moved, and I do not think it is for me to say anything more upon that subject. But he made one remark in the course of his speech which was something to this effect, that the Muhammadan leaders of this country were ready to welcome an invasion of India. To that remark I would take strong objection.

**Dr. H. S. Gour:** I did not hear Sir Godfrey make that statement.

**Mr. Wali Mohamed Hussanally:** I do not mean Sir Godfrey Fell. I am referring to Sir Sivaswamy Aiyer's speech. In the course of his speech he made the remark.

**Sir P. S. Sivaswamy Aiyer:** I did not say that of Muhammadan leaders generally. I only referred to some.

**The Honourable Mr. Shafi:** My recollection, if I may venture to point out, is, that the words used were 'when Muhammadan leaders are ready to welcome an invasion'.

**Mr. Wali Mohamed Hussanally:** I only wish to say, Sir, that the Muhammadans of India as a class are extremely loyal and would rise to a man to repel any invasion, if it comes at any moment. (Loud applause.)

So far as the amendment of my friend, Mr. Reddiyar, is concerned, all I have to say is, that I could not hear his speech. I would ask the President to have the acoustic properties of this Chamber examined, because it was entirely inaudible on this side, and throughout the session I have felt very great difficulty in listening to the speeches of Members who are far away from this side and the result is we are at a very great disadvantage.

**Mr. Eardley Norton:** If it be permissible, Sir, I should like to say what I have to say as a whole upon the various amendments and not rise again. While asking the House to reject the amendment . . .

**The Honourable the President:** Order, order. The Honourable Member seems to have forgotten that there is a specific amendment to the Resolution before the House. I think we had better dispose of that amendment before we take up questions involved in the next amendment to be moved by Sir Godfrey Fell.

The amendment\* was negatived.

**Sir Godfrey Fell:** I rise to move the amendment standing in my name :

\* That for clause (b) of the Resolution the following clause be substituted :

'That it should not be the object of the Government of India to develop the military resources of India in a manner suited to Imperial necessities, as stated in paragraph 17 of Part I of the Esher Committee's Report, but to organise, equip and train the army in India on the lines adopted from time to time by the other military forces of the Empire.'

[Sir Godfrey Fell.]

I do so, Sir, because I think that clause (b) (1) is not an assumption which requires to be repudiated. The meaning of that sentence, which is taken from the introductory letter to Part I of the Report, is that the Committee were unable to consider the administration of the Army in India otherwise than with reference to the administration of the total armed forces of the Empire. Now, I think, that this is a self-evident proposition. India is a part of the Empire. The armed forces of India are part of the armed forces of the Empire, and a large part of the armed forces of the Empire is serving in India, namely, the British troops and the Royal Air Force. Therefore, a Committee appointed to consider the system of administration of the Army in India cannot possibly ignore the system of administration prevailing in other parts of the Empire. It is for that reason that I suggest the omission of clause (b) (i) of Resolution No. 1.

With regard to the second part of it, namely, that the military resources of India should be developed in a manner suited to Imperial necessities, the Assembly will see that my Resolution is practically to the same effect—that it should not be the object of the Government of India to develop the military resources of India in a manner suited to Imperial necessities, as stated in the Esher Committee's Report, but that its object should be, as stated later on in my amendment, to organise, equip and train the Army in India on the lines adopted from time to time by the other military forces of the Empire. I should just like to explain briefly, Sir, why those words, to which so great exception has been taken, found their way into the Report. The position was this.

When the Esher Committee met in London in September 1919, it had a very heavy programme of witnesses to examine, and that programme lasted up to almost the last day before the majority of the Committee sailed for India. It was not until actually the last day before we sailed that Lord Esher was able to bring down the draft of Part I, and the Committee had, as a matter of fact, about 2 or 3 hours, at the outside, in which to go through that important document. Lord Esher attached the greatest importance to its being signed before we left England, because, unless it could be placed in the hands of His Majesty's Government, and unless some expression of their views could be obtained on the main issues, namely, whether there should be a Commander-in-Chief, and what should be the relations between the War Office and the India Office and the Government of India, before the Committee arrived in India, the whole scope of our inquiry in India would have to be changed. Consequently, several expressions found their way into the report which we now recognise were unfortunate, which have given rise to much criticism, and which we would gladly alter if we could. These remarks only refer, I should say, to Part I.

Now I suggest, Sir, that the amendment which I have moved, in lieu of clause (b) of the main Resolution, is really little more than an amplification of what is stated in clause (a). In asking the Assembly to accept it, Sir, I should just like, if I may, to refer for a moment to the assumption really underlying the Esher Committee's Report in this respect. We had in mind the Imperial Conference on Defence which sat in 1909. Mr. Asquith, in speaking in the House of Commons, regarding the proceedings of that Conference, explained exactly the point which we in 1919 had in mind. He said, that the substance of the papers relating to this Conference was contained in the

recommendation, that without impairing the complete control of the Government of each Dominion over the military forces raised within it, these forces should be standardised ; the formation of units, the arrangements for transport, the patterns of weapons, etc., being as far as possible, assimilated to those which had recently been worked out in the British Army.

Thus while the Dominion troops would in each case be raised for the defence of the Dominion concerned, it would be made readily practicable in case of need for that Dominion to mobilise and use them for the defence of the Empire as a whole. This was the idea underlying that sentence in our Report. I suggest that the amendment which I have moved brings it out more clearly than the original clause (b) of the Resolution which is purely negative.

**Dr. H. S. Gour:** Sir, Sir Godfrey Fell has said nothing new in support of his amendment which has not been considered by the Select Committee. This was exactly the point of view presented by Sir Godfrey Fell to the members of the select committee ; and our reply to Sir Godfrey Fell then was the reply which I shall place before the Honourable Members of this House now, *viz.*, that the sentence, which is the cardinal sentence, in the opening paragraph of the Esher Committee's Report controls and governs the whole of that part of the Report. If you will refer, Sir, to the terms of reference on the title-page you will find that four points were set out in this paragraph :

'to inquire into and report with special-reference to post-bellum conditions—(now mark the words) :—upon the administration, and where necessary, the organization of the Army in India, including its relations with the War Office and the India Office, and the relations of the two Offices to one another.'

Now, if you analyse this sentence you will find that four points are submitted for the consideration of the Esher Committee. The first is the question of administration ; the second is the question of organization ; the third is the relation with the War Office and the India Office ; and the fourth is the relation of the two offices, the War Office and the India Office, with each other. These are the four points submitted for the consideration of the Esher Committee. Now, in the opening sentence on the first page of this report they refer to the 'first and second of these questions, namely, administration and organization, and in this connection you will find that the Esher Committee have given the following reply, have placed before themselves the following principles as guiding and controlling the principle of the whole report. They say :

'We cannot consider the administration of the Army in India otherwise than as part of the total armed forces of the Empire. Yet we have no indication of the form of organization which may be set up in the future for the control of other parts of the forces or of the whole.'

Consequently, the two points, first, the point of administration, and second, the point of organization, are commented upon by them in the opening sentence ; and the select committee take objection to the assumption that is made in this opening sentence. Now, Sir, Sir Godfrey Fell has given us the history of the drafting of this report ; I presume he is not the draftsman ; he is one of the interpreters of the draft ; and I beg to submit that other members of the Esher Committee may justifiably place a different construction upon this sentence, and it is therefore necessary that this House should repudiate any assumption, that is implied, of the character which is embodied in clause 1 (b).



[Dr. H. S. Gour.]

of our Resolution. I therefore hope that the House will support the select committee's recommendation and reject the amendment proposed by Sir Godfrey Fell.

**Munshi Iswar Saran:** Sir, Sir Godfrey Fell has very frankly told us that certain unfortunate expressions have crept into the report. He does not quarrel with Sir Sivaswami Aiyer's reading of the report. But he has told us, how the members of the Committee in a hurry came to sign it, and how they had not time to revise the draft. In view of this observation of Sir Godfrey Fell, I submit, it is not necessary to refer him or the House to various statements made by the members of the Esher Committee in regard to the relation of Indian troops to the Empire. This report has been very carefully read by very competent critics and by very careful students of Indian politics, and they have all come, if I may say so, unanimously to the conclusion—taking the report as they find it, and not as the members of the Committee may have meant it to be—that it does contain the assumption which Sir Sivaswami Aiyer in clause (b) of Resolution I repudiates. I am fully prepared to believe that what Sir Godfrey tells us is in his opinion the cause of the use of those unfortunate expressions, but may I tell him, that as a member of the Bar that I find it impossible to accept a statement made by a member of the Esher Committee, however distinguished he might be, to be equivalent to a statement made by all. It is the opinion of Sir Godfrey Fell himself, and I respectfully submit, that the House will be perfectly justified in saying that it cannot take his statement to over-ride the distinct language of the report itself. I, therefore submit Sir, that Sir Sivaswami Aiyer was perfectly right in repudiating this assumption made by the Esher Committee, an assumption which I submit ought to be repudiated by us in clear and emphatic language. I therefore oppose the amendment of Sir Godfrey Fell.

**Mr. J. P. Cotelingam:** Sir, I rise to support the amendment moved by Sir Godfrey Fell. The Resolution moved by Sir Sivaswami Aiyer on behalf of the Assembly Committee asks the Governor General to :

‘repudiate the assumption underlying the whole report of the Esher Committee,’

and leaves it there. What is to follow the repudiation is not laid down. Sir Godfrey Fell in his amendment states that quite explicitly. He says :

‘that it should not be the object of the Government of India to develop the military resources of India in a manner suited to Imperial necessities, as stated in paragraph 17 of Part I of the Esher Committee's Report,’

and then goes on to state what it is to be, namely :

‘to organize, equip and train the Army in India on the lines adopted from time to time by the other military forces of the Empire.’

Therefore, Sir, I think it is desirable that Sir Godfrey Fell's amendment should take the place of part (b) of the Resolution moved by Sir Sivaswami Aiyer.

**Mr. S. C. Shahani:** Sir, I also rise to support the amendment that has been proposed by my Honourable friend, Sir Godfrey Fell, and for these reasons. The statements that are contained in the second clause of the Resolution moved by Sir Sivaswami Aiyer are explicitly and, I think, better stated in the amendment that has been proposed by Sir Godfrey Fell, that the military resources of India are not to be developed in a manner suited to

imperial necessities, and secondly the maintenance of internal tranquillity. There is no doubt that India is a part of the Indian Empire, and that the third obligation has to be recognised by India, namely, that being a part of the Indian Empire she must certainly look to the needs of the British Empire too. There is no reason, however, why we should mention this as a specific purpose for which the army in India is to be maintained. Such a statement, I suppose, is not made by any other members of the British Empire. It should suffice if in the Resolution it is stated that the army is to be maintained in a manner which will be in keeping with the duty devolving upon the Indian Empire. I therefore propose that the original Resolution should be accepted by the House, and that the second clause of it be changed as suggested by Sir Godfrey Fell.

**The Honourable Mr. W. M. Hailey:** Sir, may I first make to the House one general remark with reference to what fell from some Honourable Members? Sir Sivaswamy Aiyer told us what were the views represented to the Select Committee by Dr. Gour, and Dr. Gour told us what were the opinions that were expressed by Sir Godfrey Fell before the Select Committee. Might I suggest, Sir, the advisability of following a convention we used to observe in the Council which preceded this House, namely, that matters which occurred in the Select Committee were not referred to outside it? Now, Sir, as regards the exact point at issue, I, like many other Members of the House, read the Report of the Esher Committee in a critical spirit. How critical that spirit was, I know that some of my friends on this side of the House will bear witness. I, like very many Members of the House, took exception in my own mind, at all events, to the expressions used in paragraph 17 of Part I. I can, therefore, speak with a perfectly clear mind when I say, that I equally repudiate any suggestion that the Army in India should be organized or maintained primarily with a view to imperial purposes. But I am here speaking on this particular amendment moved by Sir Godfrey Fell, and I put it to the House, that if they fail to support this amendment and instead support the substantive Resolution moved by Sir Sivaswamy Aiyer, they will be falling into an error of not of terminology but of substance. It is perfectly true, as Dr. Gour said, that in the opening letter of the Esher Committee they said, that they were unable to consider the administration of the Army in India otherwise than as part of the total armed forces of the Empire. Sir Sivaswamy Aiyer seems to ask us to repudiate that position entirely. I can perfectly well understand the desire of the House to repudiate the view expressed in the second section of the Resolution before us but what substantial ground is there for repudiating the proposition that the administration of the army in India cannot be considered otherwise than as part of the total armed forces of the Empire? That is the substantive point which I ask this House . . . . .

**Sir P. S. Sivaswamy Aiyer:** If it is anything more than a truism.

**The Honourable Mr. W. M. Hailey:** If it is a truism, still less should we repudiate it. You may object to the definite manner in which the committee interpret the way in which India's forces should be administered as part of the forces of the Empire; you may, for instance, object to the control, shall we say of the Imperial General Staff, you may again object to certain of the committee's recommendations with regard to nominations to higher appointments. You may object to what they say, for instance, with regard to the nomination of His Excellency the Commander-in-Chief's successor. But while you

[Mr. W. M. Hailey.]

are objecting to those details, can you at the same time honestly repudiate the main position that the administration of the army in India cannot be considered otherwise than as part of the total armed forces of the Empire? If we fall into difficulties in India, we need the support of the other forces of the Empire. The forces of the Empire include not only the Army, but the Navy. The administration of the total forces of the Empire is a matter for His Majesty's Cabinet, and whatever the details of the administration may be, the administration of the whole must be considered as an entity; you cannot get away from that position, and I do not think it is logical formally to repudiate it. I am as strong as any body else in believing that the main and primary purpose of maintaining the Indian Army is for the defence of India against external attack and internal disorder. I believe that position should always be maintained, but I do ask the House not to repudiate any suggestion that the administration of the Indian Army, whatever the details of the administration, can be entirely dissociated from the administration of the general forces of the Empire.

**Mr. N. M. Samarth:** Sir, I rise to oppose the amendment moved by Sir Godfrey Fell. I do not think that the expression to which we take exception has been rightly understood in all its bearings. The assumption underlying the whole report of the Esher Committee is first that the administration of the Army in India cannot be considered otherwise than as part of the total armed forces of the Empire. Now what the meaning of that expression is, is made clear in the covering letter itself. After laying down this dictum, they proceed to expound it in the next two paragraphs. They say :

‘Novel political machinery created by the Peace Treaty has enhanced the importance of the Army of India relatively to the military forces in other parts of the Empire, and more particularly to those of the British Isles’.

They proceed further and say :

‘We feel bound to assume that Western Europe will no longer be an armed camp containing national armies in a high state of preparation for war, and we note that conflicts fraught with the gravest consequences to the belligerent nations cannot in future take place within a few days or weeks of an order to mobilize’.

I shall now draw attention to what follows :

‘We realize, and the evidence of Lord Allenby confirms our belief, that the war has left Eastern Europe, and what is commonly known as the near and Middle East, in a condition of grave unrest, with consequences to India, especially as regards her military and financial resources, that we are unable to ignore’.

Now, the whole point of view of the Esher Committee's Report and objective of the recommendations which have been made, is obsessed by the idea that in Europe you will not have any large armies, the centre of gravity has turned now to the Middle East and Near East, and therefore the administration of the Army in India must be so controlled from the War Office that it shall be available for the purposes of these extra-territorial needs of the Empire. I do not wish to take up longer time in explaining the whole scheme; but those who have been conversant with the detailed criticism of the *London Times*, when the Esher Report was out,—the prompt, penetrating, trenchant and informed criticism to which this Esher Report was subjected by the *London Times* will understand the importance of repudiating what that paper effectively repudiated, namely, these two underlying principles of the Report, and I

trust that nothing that has been said either by the Honourable the Leader of the House or our Honourable friend, Sir Godfrey Fell, will induce the House to give up the position which we have taken up deliberately in this clause.

**The Honourable the President :** The original question was :

‘ This Assembly recommends to the Governor General in Council :

- (a) That the purpose of the Army in India must be held to be the defence of India against external aggression and the maintenance of internal peace and tranquillity. To the extent to which it is necessary for India to maintain an army for these purposes, its organization, equipment and administration should be thoroughly up-to-date, and, with due regard to Indian conditions, in accordance with present-day standards of efficiency in the British Army so that when the Army in India has to co-operate with the British Army on any occasion there may be no dissimilarities of organisation, etc., which would render such co-operation difficult. For any purpose other than those mentioned in the first sentence the obligations resting on India should be no more onerous than those resting on the Self-governing Dominions and should be undertaken subject to the same conditions as are applicable to those Dominions.
- (b) To repudiate the assumption underlying the whole Report of the Esher Committee :
  - (1) That the administration of the Army in India cannot be considered otherwise than as part of the total armed forces of the Empire, and
  - (2) That the military resources of India should be developed in a manner suited to Imperial necessities.’

Since which an amendment has been moved to substitute for clause (b) the following clause :

‘ That it should not be the object of the Government of India to develop the military resources of India in a manner suited to Imperial necessities, as stated in paragraph 17 of Part I of the Esher Committee's Report but to organize, equip and train the Army in India on the lines adopted from time to time by the other military forces of the Empire.’

The question I have to put is, that that amendment be made.

The Assembly divided as follows :

AYES—39.

Abdul Quadir, Maulvi.  
Afsar-ul-Mulk Akram Hussain,  
• Prince.  
Ahmed, Mr. Zahir-ud-Din.  
Aiyar, Mr. A. V. V.  
Asjad-ul-lah, Maulvi Miyan.  
Bryant, Mr. J. F.  
Carter, Sir Frank.  
Cotelingam, Mr. J. P.  
Crookshank, Sir Sydney.  
Dentith, Mr. A. W.  
Fell, Sir Godfrey.  
Gajjan Singh, Mr.  
Hailey, The Honourable Mr. W. M.  
Holland, The Honourable Sir Thomas.  
Hullah, Mr. J.  
Hutchinson, Mr. H. N.  
Ikramullah Khan, Mr. Mirza Md.  
Innes, Mr. C. A.  
Kabraji, Mr. J. K. N.

Keith, Mr. W. J.  
Lalthe, Mr. A. B.  
Majid, Sheikh Abdul.  
Maw, Mr. W. N.  
McCarthy, Mr. Frank.  
Mitter, Mr. D. K.  
Muhammad Hussain, Mr. T.  
Muhammad Ismail, Mr. S.  
O'Donnell, Mr. S. P.  
Pereival, Mr. P. E.  
Pickford, Mr. A. D.  
Renouf, Mr. W. C.  
Sarfaraz Hussain Khan, Mr.  
Shahani, Mr. S. C.  
Sharp, Mr. H.  
Singh, Raja S. P.  
Sircar, Mr. N. C.  
Spry, Mr. H. E.  
Waghorn, Colonel W. D.  
Wild, Mr. C. E.

[The President.]

NOES— 14.

Abul Kasem, Mr.  
 Agarwala, Lala G. L.  
 Aiyer, Sir Sivaswamy.  
 Amjad Ali, Mr.  
 Ayyar, Mr. T. V. Seshagiri.  
 Bagde, Mr. K. G.  
 Bajpai, Mr. S. P.  
 Barua, Srijiut Debi Charan  
 Bhargava, Mr. J.  
 Bishambhar Nath, Mr.  
 Chaudhuri, Mr. J.  
 Das, Babu Braja Sundar.  
 Dass, Pandit R. K.  
 Dwarkadas, Mr. J.  
 Faiyaz Khan, Mr. Muhammad.  
 Ghulam Sarwar Khan, Chaudhuri.  
 Gidney, Lt.-Col. H. A. J.  
 Guwala, Mr. P. P.  
 Gour, Dr. H. S.  
 Gulab Singh, Sardar.  
 Hassanally, Mr. W. M.  
 Ibrahim Ali Khan, Nawab Muhammad

Iswar Saran, Mr.  
 Jatkar, Mr. B. H. R.  
 Joshi, Mr. N. M.  
 Lakshmi Narayan Lal, Mr.  
 Mahadeo Prasad, Mr.  
 Misra, Mr. Piyari Lal.  
 Mukherjee, Mr. T.  
 Nabi Hadi, Mr.  
 Nag, Mr. Girish Chandra.  
 Neogy, Babu Khitish Chandra.  
 Norton, Mr. Eardley.  
 Pyari Lal, Mr.  
 Ranji, Mr. M.  
 Rao, Mr. P. V. Srinivasa.  
 Reddiyar, Mr. M. K.  
 Sanoarth, Mr. N. M.  
 Shahab-ud-Din, Chaudhuri.  
 Singh, Mr. B. P.  
 Singh, Raja K. P.  
 Sohan Lal, Mr.  
 Subzoshi, Mr. S. M. Zahid Ali  
 Vishindas, Mr. Harchandrai.

The motion was negatived.

**The Honourable the President:** The question is, that that Resolution<sup>2</sup> (No. 1) be adopted.

The motion was adopted.

The Assembly then adjourned for Lunch till Twenty-Five Minutes past Two of the Clock.

The Assembly re-assembled after Lunch at Twenty-Five Minutes past Two of the Clock. The Honourable the President was in the Chair.

**Sir P. S. Sivaswamy Aiyer:** I understand, Sir, that some remarks which I made in the course of my speech have given rise to misconstruction as to my intention. When I referred to Muhammadan leaders who were prepared to welcome the advent of the Amir, I had in mind only one or two

\* \* This Assembly recommends to the Governor General in Council :

(a) That the purpose of the Army in India must be held to be the defence of India against external aggression and the maintenance of internal peace and tranquillity. To the extent to which it is necessary for India to maintain an army for these purposes, its organization, equipment and administration should be thoroughly up-to-date, and with due regard to Indian conditions, in accordance with present-day standards of efficiency in the British Army so that when the Army in India has to co-operate with the British Army on any occasion there may be no dissimilarities of organization, etc., which would render such co-operation difficult. For any purpose other than those mentioned in the first sentence the obligations resting on India should be no more onerous than those resting on the Self-governing Dominions and should be undertaken subject to the same conditions as are applicable to those Dominions.

(b) To repudiate the assumption underlying the whole Report of the Esher Committee :

(i) that the administration of the Army in India cannot be considered otherwise than as part of the total armed forces of the Empire, and

(ii) that the military resources of India should be developed in a manner suited to Imperial necessities.

gentlemen. It is not necessary for me to refer to the names of these gentlemen ; I believe they are known to most of the Members here.

*One Honourable Member* : They cannot be gentlemen.

**Sir P. S. Sivaswamy Aiyer** : I had no intention at all of casting the slightest reflection upon the loyalty of my Muhammadan friends, and I shall see that the version of my speech which appears contains only the words ' one or two Muhammadan leaders ' and not ' Muhammadan leaders.' With that explanation, I hope, the House will be satisfied.

**Mr. Amjad Ali** : Are not there two or three Hindus as well who are very extremely violent in wishing to drive out the English from this country and help any invasion ?

**Sir P. S. Sivaswamy Aiyer** : I have referred to them also.

**Mr. Amjad Ali** : You would do well in that connection if you mention also that there are Hindu leaders.

**Sir P. S. Sivaswamy Aiyer** : I have no intention of casting any reflection on any Muhammadan gentleman.

**The Honourable the President** : Order, order.

**Khan Bahadur Sarfaraz Hussain Khan** : I thank you on behalf of the Muhammadans. It is only a section of the Muhammadans, as there are everywhere among the non-co-operators, who may become violent, but we Muhammadans generally who are not non-co-operators are loyal to the very core to the British people. (Applause.)

#### RESOLUTION No. 2.

**The Honourable the President** : The Resolution moved is :

' That this Assembly recommends to the Governor General in Council that the Army in India should not, as a rule, be employed for service outside the external frontiers of India except for purely defensive purposes, or with the previous consent of the Governor General in Council in very grave emergencies, provided that this Resolution does not preclude the employment on garrison duties overseas of Indian troops at the expense of His Majesty's Government and with the consent of the Government of India.'

**Munshi Iswar Saran** : Sir, you will be pleased to notice that Amendments Nos. 5, 7 and 9 standing in my name all relate to this Resolution. I wish to have your ruling, Sir, whether I should move them all together in one speech, or I should move No. 5, and then Mr. Samarth will move No. 6 and then I should move No. 7 and so on.

**The Honourable the President** : Does the Honourable Member mean that the three amendments standing in his name are really parts of one amendment ?

I think he had better move them together.

**Munshi Iswar Saran** : Sir, having in view all the observations made by Sir Sivaswamy in moving these Resolutions I do not think it is necessary for me to move Amendments No. 5 and No. 7 standing in my name. My object in moving these amendments was to make it perfectly clear that we did not want our troops to be employed for any aggressive purposes. But the Mover of the Resolution made it quite clear in his speech that the Resolution moved by him embodied this very idea. I shall therefore, with the leave of the House, not move these two amendments.

[Munshi Iswar Saran.]

There remains No. 9\* standing in my name. I shall not read it, but I shall state the substance of the amendment. The first part of the Resolution, Sir, I welcome, as embodying our considered opinion that Indian troops should not be employed except in certain cases and under certain conditions beyond the frontiers of India. I am anxious that we should make it unmistakably plain as to what we want. We are utterly opposed to the idea of the Army in India being used for aggressive purposes beyond our frontiers. I am happy to find that Sir Sivaswamy left the House in no mistake as to the meaning of the Resolution moved by him. The idea that our soldiers should be regarded by other nations as mere mercenaries is very galling to us. The House will kindly notice that according to the first Resolution, we are prepared to share our military burdens in common with the Self-governing Dominions and in addition we are willing to undertake a little more responsibility provided we are not involved in engagements that lower the position and the prestige of our soldiers. As regards the second part of the Resolution, I must frankly say, that I am against the employment of our troops on garrison duties overseas. At the same time I am free to appreciate the motive of such Honourable Members as have suggested this proviso. They seem to imagine that our soldiers by doing garrison duties overseas will have a good opportunity of improving themselves and of becoming better soldiers. I join issue with them. Even according to these friends our troops will not be called upon to engage in wars overseas. They will have to be content merely with garrison duties. I submit, Sir, that there would have been some force in the view of my Honourable friends who insist on this proviso if they had insisted that our troops should take part in wars beyond the frontiers. But that they do not say. What they say is, that they should be engaged on garrison duties. I submit, Sir, that the mere doing of garrison duties overseas is not a matter of such great importance—I speak with great diffidence—to our soldiers that we should for that consideration lend them for purposes not legitimately Indian. I venture to think, that one aspect of the question has not been sufficiently given importance to by my Honourable friends who want this proviso to be inserted. There are not a few competent and qualified critics who maintain that the strength of the Army in India is on a war footing. Public opinion will of course demand, and I for one have no doubt that it will secure its reduction. If the Army is reduced to its irreducible minimum, I am afraid, we shall not be able to lend our troops for garrison duties overseas. The fact that our troops to-day are to be found scattered in various parts is proof positive in my humble opinion of the unnecessarily large army which we are keeping. Look at the number of troops that we are able to spare to-day. On the 22nd of February 1921 we were told by Sir Godfrey Fell that approximately 74,700 Indian troops were employed in Mesopotamia and Persia, and about 23,000 troops were serving in Egypt and Persia. I hope this House will clearly express its opinion about the employment of Indian troops overseas in this fashion. But, Sir, I am anxious that we should raise no objection if His Majesty's Government wants to keep Indian troops in India for purposes

\* That the words 'maintenance in India wholly at the expense of His Majesty's Government with the consent of the Government of India of Indian troops for employment on garrison duties overseas' be substituted for the words from 'employment on garrison duties,' in line 5, to the end of the Resolution.

of employment on garrison duty overseas provided it obtains the consent of the Government of India, which in its turn will secure the consent of the Secretary of State. I mean, if His Majesty's Government can come to terms with the Government of India as regards the employment of troops—not the regular troops that we have, but some other troops that they shall maintain in India,—then, I submit, that this House, having regard to our connection with England, should have no objection to it. It is with the object of making it perfectly clear that we do not want our troops to be employed out of India that I bring forward this amendment. At the same time, I wish the House to make it equally clear that we do not want to stand in the way of His Majesty's Government making any terms with the Government of India for keeping troops wholly and solely at their cost in India. I therefore move the amendment standing in my name.

**The Honourable the President:** Amendment moved :

‘That the words ‘maintenance in India wholly at the expense of His Majesty's Government with the consent of the Government of India of Indian troops for employment on garrison duties overseas’ be substituted for the words from ‘employment on garrison duties,’ in line 5, to the end of the Resolution.’

**Dr. H. S. Gour:** Sir, I may perhaps be permitted to justify the Resolution as it stands on the paper. The view that the Select Committee adopted was a compromise between the opposing views prevalent in this country. One of them is, that the Army of India must remain in India at all times and on every occasion, that it should be a *pardanashin* army and that it should be maintained as such, religiously watched and scrutinised against excursion into foreign territory.

The other view is, and a view to which some countenance is lent in Lord Esher's Report, that the Indian Army might, at times, be a pawn in the game of Imperialism. The Select Committee have chalked out a middle course, and that is that the Indian Army must primarily be for the defence of India and for the purpose of repelling external aggression, and in order to equip it for that purpose it must receive that up-to-date training which is necessary for the purpose of withstanding an international conflict.

My learned friend, who has moved this amendment, Munshi Iswar Saran, questions the wisdom of employing our troops outside the frontiers of India on garrison duty. He joins issue with me, and I join issue with him. I submit, that if we were not to allow our troops to go outside the frontiers of India for the purpose of doing garrison duty, we would not give our Indian soldiers the necessary training and experience which they would obtain by foreign travel. What other alternative has my learned friend suggested beyond levelling at this Resolution a purely destructive criticism? Has he suggested any means for the training and equipment of the Indian Army? He has done nothing of the kind. I submit, that the means that the Select Committee has adopted of training the Indian soldier and keeping him up to date as regards efficiency is only justifiable if we allow the Indian soldier to go overseas for the purpose of doing garrison duty. My learned friend seems to suspect, that in doing so, the cost of the Indian Army would be greatly increased. I have no suspicion of that kind. If my learned friend will read the proviso which is a part and parcel of the Resolution, he will find that the cost of the Indian troops serving overseas for the purpose of doing garrison duty will be borne by His Majesty's Government. We, therefore, train our soldiers at the expense of His Majesty's Government, and while His Majesty's Government receives service from the



[Dr. H. S. Gour.]

Indian soldier, the latter in turn comes back better trained, better equipped, with greater confidence in himself, and able to withstand a foreign foe in times of emergency and national necessity. I submit, therefore, Sir, that the clause as suggested by the Draft Committee should stand, and the Honourable Mover's amendment be rejected by this House.

My friend has further said that so far as the question of defence of this country is concerned, there is no objection to the employment of Indian soldiers, but the rule should be made rigid and inflexible. He has wisely withdrawn his amendment which is, that the words 'as a rule' should be deleted from this Resolution. The object of the Select Committee in adding these words, 'as a rule', was to give it the elasticity necessary in the case of a military army.

I therefore submit, that every word of this Resolution should receive the unanimous assent of this House.

**Sir Godfrey Fell:** I think it might be of interest to this Assembly if I were to explain the point of view of the Government of India with regard to the employment of Indian troops overseas. Before doing so, I should like to say at once that the Government are prepared to accept this Resolution as moved.

The position about the employment of Indian troops overseas is as follows: As the Assembly is aware, after the Armistice large numbers of Indian troops were retained for garrison duty in various parts of the world, such as, Palestine, Mesopotamia, Persia and so forth. The Government of India have been pressing the Home Government for their return. In pressing the Home Government for their return, they believed that they were acting in accordance with the wishes of the people of this country. It now appears, from the Resolution which stood in the name of my friend, Dr. Gour, but which has not been moved, and from the proviso to the Resolution which we are now discussing, that there is a considerable body of opinion in India in favour of allowing Indian troops to serve overseas. Well, if that is so, the Government of India have no objection whatever to reconsidering their position. But there are certain points which must be borne in mind. The first is this. We must not do anything which will interfere with the contentment of the Indian army. As the Assembly is aware, in normal times the Indian sepoy gets a good deal of leave every year. He is able to go to his home and attend to his private affairs, to look after his land, to take up law suits, to marry his daughters, or whatever it may be. If he is serving overseas, he will, of course, not be able to go home so frequently, and that will possibly be a source of discontent. In any case, therefore, it would be necessary, if Indian troops were employed overseas, to give them very liberal leave rules.

There is very little difference really between the Resolution as moved and the amendment moved by my Honourable friend, Munshi Iswar Saran. I think, if my friend will allow me to say so, that his amendment is not very clearly expressed. But I take him to mean, that instead of Indian troops, that is, part of our Indian Army, being employed on garrison duties overseas, he would prefer that a special force should be raised and maintained in India, at the expense of His Majesty's Government, for garrison duties overseas, and that it should be no part of the functions of the Indian Army to form those garrisons. There is not a very great deal of difference between the two.

The same class of men would be serving in the two categories. It is really, I think, a matter which should be left to the experts to decide—whether, if His Majesty's Government want Indian troops for garrison duties overseas and the Government of India are prepared to agree, it should be done by increasing the strength of the Indian Army above the amount required for India's own needs and, of course, debiting the cost of that excess to His Majesty's Government, or by raising a separate force for service overseas, again, of course, at the expense of His Majesty's Government. I would ask this Assembly to leave that matter for the decision of His Excellency the Commander-in-Chief and the expert advisers of His Majesty's Government at Home. The two main things which we have to bear in mind are, firstly, that whatever we do must not interfere with the efficiency and contentment of the Indian Army, and, secondly, that it must not throw any unfair financial burden on India, that is to say, whatever is done must be done wholly and entirely at the expense of His Majesty's Government.

I therefore commend to this Assembly the original Resolution as drafted.

**Mr. N. M. Samarth:** There is very little difference, Sir, between the views expressed by Sir Godfrey Fell and the views as embodied in the amendment\* of which I have given notice. I am in favour of organising the Indian Army for the purposes and to the extent to which we have made reference in Resolution No. 1 which we have passed. Over and above that, there should be organised at the same time, a body of Indian troops for the purpose of garrison duties overseas. Many troops are now returning, and I do not wish to have in my country the question of unemployment of demobilised men raised as in England. Thousands of these troops are coming back, and where is the employment for them unless you find some such employment for them as I have mentioned? My proposal is, that these Indian troops should be organised in the manner in which expert advice may sanction or dictate, in such a way that they may be available for Great Britain in all those territories where Great Britain has a mandate now under the League of Nations. We undertake to help Great Britain in her needs, but it is for Imperial purposes that we do so. Therefore, it is but right that the cost of recruiting, training, equipment, transport and supply, invaliding, pay, pensions, gratuities, allowances, and all that, should be borne by His Majesty's Government. That is my proposition, and I take it, that from what fell from Sir Godfrey Fell, he would have no objection to substitute my wording for the wording of the proviso as it now stands in the Resolution.

Now take the original words as they are. They do not bring out the full sense of what Sir Godfrey Fell conveyed to us. The original Resolution says:

‘Provided that this Resolution does not preclude the employment on garrison duties overseas of Indian troops at the expense of His Majesty's Government,’

that is to say, when they go overseas. But what about the cost while in India? I separately allocate an army for the purposes of India and a certain separate

\* ‘For the words from ‘provided’ to the words ‘Government of India’, the following be substituted, namely:

‘Provided that, in addition to the army which it may be necessary for India to maintain for the purposes and to the extent mentioned in clause (a) of the Resolution 1, the Governor General in Council may, with the concurrence of the Secretary of State for India and at the desire of His Majesty's Government, provide for the maintenance and upkeep of Indian troops for garrison duties overseas and for their employment on such duties, the entire cost of such troops being borne by His Majesty's Government.’

[Mr. N. M. Samarth.]

portion of Indian troops for overseas garrison duty. Now, the cost of such troops who are maintained in India when they are not required overseas must also be borne by England, by His Majesty's Government. There is, Sir, a history behind it. After the Army Commission of 1879, additions were made, on account of the panic of the Afghan War to the troops and these additions were in excess of the maximum defence forces required for India as laid down by the Army Commission of 1879. What happened? The additions were protested against by two Members of the Viceregal Council including the Finance Minister who urged that in the first place they were not necessary and secondly that if they were wanted that was for purposes of Imperial policy and the Imperial Treasury should pay for it. That is exactly the position which I wish this House to take. The proviso as drafted does not bring out that idea. The wording of that proviso only says that the troops, when they are employed overseas shall be at the expense of His Majesty's Government. It makes no provision for the cost of those troops, for the cost of recruiting and maintaining them and of giving them pay and allowances and so on while they are here or when they come back from overseas. Therefore, Sir, I do not know whether I shall be in order in moving my amendment at this stage. I should like to move it, if you permit me to do so.

**The Honourable Mr. W. M. Hailey:** Sir, I feel that the point that Mr. Samarth has just referred to is partly a financial one and it would no doubt interest the House to know how I, as representing the Finance Department, would interpret the original Resolution as put forward by Sir Sivaswamy Aiyer. The words used are:

'Maintenance of garrison duties overseas at the expense of His Majesty's Government.'

Now, Sir, as we interpret that phrase in regard to the employment of overseas troops, that would undoubtedly cover not only the cost of the troops when employed overseas and their transport overseas, but also the maintenance of the necessary drafts in India at our depôts in order to fill up any vacancies that occur when troops are employed overseas. It would further mean that His Majesty's Government should bear the necessary share of what you might call semi-capital expenditure, that is to say, on their barracks and maintenance in India. It would also still further imply that His Majesty's Government should bear a certain percentage of what in commercial circles would be called 'overhead' charges, namely, the general cost of supervision of the Army. It would include also non-effective charges (pensions, furlough and the like); so that if I were called upon to interpret the meaning of the Resolution as originally put forward, I should myself have interpreted it in exactly the sense that Mr. Samarth himself desires. I may say, that we have been very particular as to the terms on which we would be prepared to supply troops for overseas duty and the conditions that we have made correspond very closely to those which I have just explained to the House. The House is no doubt aware that throughout the course of the war we had in India an official called the 'Controller of War Accounts'. He is a distinguished Indian officer; i was his duty to apportion the charges falling respectively on His Majesty's Government and on ourselves and I can assure the House, that they need be under no apprehension whatever as to the strictness with which he has interpreted his duties. He has on every occasion charged His Majesty's Government fully with everything that might legitimately be put down to

their debit and I have not the smallest doubt that if the Indian troops are continued in employment overseas much the same arrangements in regard to the financial division of accounts will also be maintained and the very strictest discrimination will be made between the charges which should fall on His Majesty's Government and those which properly fall on the Indian Government itself.

**Mr. N. M. Joshi:** Sir, I am inclined to favour the view which was put before this House by my Honourable friend, Mr. Samarth. Besides the arguments which he has used in support of his view, I may also say one thing more and it is this. If we have got an independent unit of army for employment on garrison duties outside India, Government will not be open to the blame of using our forces as mercenaries. If there is an independent unit and if a man joins that unit knowing that the Army is mainly for garrisoning other countries besides India, then certainly there is no blame attached to the Government of India. If a man chooses to join such an army, we cannot prevent him. There are several people who take service in other capacities, in other professions and we do not call them mercenaries and if some people choose to go into the profession of a soldier to serve on garrison duties in other countries we cannot also prevent them from doing so. I think, therefore, if we accept Mr. Samarth's view that there should be an independent unit, it will be much better.

**Mr. S. C. Shahani:** I rise to point out that it will be very undesirable to demarcate between the forces that are to be employed in India for the purpose of defence or maintaining peace in India and for the purpose of garrison duties overseas. The object with which this Resolution has been framed will also be defeated. It is deemed desirable that the Indian soldier should be properly trained and should have opportunities afforded to him for seeing fighting done elsewhere. I at the same time feel disposed to support the amendment that has been proposed by my Honourable friend, Mr. Samarth. If, as he has pointed out, it will be desirable to see that the entire cost of this unit or the entire cost of the troops doing garrison duty outside should be borne by the Imperial Government, there is no harm in making an explicit provision in the Resolution that will be passed by this House to-day. It is true, that we have had verbal assurance to the effect that none of the cost will be borne by India but as I have said it will be only right to make it plain, so that the relation between the Indian and the Home Government in the matter in question may not be from any point of view unintelligible in the Resolution that we are passing here to-day.

**The Honourable the President:** The question is:

'That the words 'Maintenance in India wholly at the expense of His Majesty's Government with the consent of the Government of India of Indian troops for employment on garrison duties overseas' be substituted for the words from 'employment on garrison duties' in line 5 to the end of the Resolution.'

The question is, that that amendment be made.

The motion was negatived.

**Mr. N. M. Samarth:** Sir, I beg formally to move the amendment that stands in my name, amendment No. 8, namely, that for the words from 'provided . . . .

**The Honourable the President:** Does the Honourable Member wish formally to move his amendment on the paper? I may say in point of fact

[The President.]

that the question raised by amendment No. 8 is substantially the same as the question raised by amendment No. 9. If the Honourable Member thinks otherwise, I am prepared to hear him briefly on that point, but does he wish to move amendment No. 6 first of all ?

**Mr. N. M. Samarth :** Sir, I beg to move :

‘That in line 2, after the words ‘frontiers of India’ the words ‘which should be statutorily defined’ be inserted.’

It is necessary to know really what are the frontiers of India. Members who are aware of controversies in the past about the scientific frontiers of India need not be told that the expression has been variously interpreted from time to time as military exigencies may require. I wish, when we are now here laying down as a rule that the Army in India should not be employed for service outside the external frontiers of India, to have the frontiers of India in the General Clauses Act statutorily defined. I need not say anything more about this point. It is an amendment which will, I hope, commend itself to Government.

**Sir Godfrey Fell :** Sir, though I have every sympathy with the Honourable Member's amendment, I doubt if it is a practical proposition. The external frontiers of India, for a great part of the way, are of course very easily defined, because they are the sea. In other parts, we have land neighbours, and one party obviously cannot define, by a Statute which will be binding upon its neighbour, the frontier between the two. These national frontiers are, as a rule, settled by mutual agreement, which sometimes has to be arrived at by delimitation or boundary commissions. I do not think there will ever be any doubt about when an army that is actually fighting passes beyond the external frontiers of India. The other side will take care that they quite understand that they are beyond the frontiers, as the bullets begin to fly. I do not think this is a practical point, and I therefore do not think it is really worth while accepting this amendment.

**Mr. N. M. Samarth :** All right ; I do not press it.

The amendment was, by leave of the Assembly, withdrawn.

**Mr. N. M. Samarth :** Sir, I beg to move :

‘That for the words from ‘provided’ to the words ‘Government of India’, the following be substituted, namely :

‘Provided that, in addition to the army which it may be necessary for India to maintain for the purposes and to the extent mentioned in clause (a) of the Resolution, the Governor General in Council may, with the concurrence of the Secretary of State for India, and at the desire of His Majesty's Government, provide for the maintenance and upkeep of Indian troops for garrison duties overseas and for their employment on such duties, the entire cost of such troops being borne by His Majesty's Government.’

Now, Sir, the difference between the amendment moved by my friend, Munshi Iswar Saran, and myself is this. He was against the employment of Indian troops or the maintenance of Indian troops at all. My object is, that in addition to the purposes mentioned and to the extent mentioned in Resolution No. 1, separate Indian troops be organised for the purposes of garrison duty. Resolution No. 1 lays down that the Army in India must be held to be for the defence of India against external aggression and the

maintenance of internal peace and tranquillity. Now I want that Army to be paid for by India alone, I mean that so far as those purposes are concerned that army is absolutely for Indian interests and should therefore be maintained at Indian expense. Over and above that, my amendment says, there shall be organised Indian troops for garrison duties overseas at the expense of His Majesty's Government. So far as these expenses were concerned, I take it there was hardly any difference between my view and the view of the Honourable Mr. Hailey and the view of Sir Godfrey Fell. I therefore move this amendment.

**The Honourable the President :** Without pronouncing upon the military meaning of the words, from the point of view of order within this Chamber, there is not sufficient difference between the word 'organization' used by the Honourable Member and the word 'maintenance' used by Munshi Iswar Saran to justify me in allowing him to move it. I think the Assembly has substantially given its decision upon the same point . . . .

**Mr. N. M. Samarth :** If that be your ruling, I bow to it.

**The Honourable the President :** So much so that the reply given by Sir Godfrey Fell to Munshi Iswar Saran was of course very nearly the same as would be given to the Honourable Member who is moving this Resolution.

**Mr. N. M. Samarth :** I wish to see it.

**The Honourable the President :** The Honourable Member can consult Sir Godfrey Fell in private.

**The Honourable the President :** The question is :

'That this Assembly recommends to the Governor General in Council that the Army in India should not, as a rule, be employed for service outside the external frontiers of India, except for purely defensive purposes, or with the previous consent of the Governor General in Council in very grave emergencies, provided that this Resolution does not preclude the employment on garrison duties overseas of Indian troops at the expense of His Majesty's Government and with the consent of the Government of India.'

The motion was adopted.

### RESOLUTION No. 3.

**The Honourable the President :** Resolution moved :

'This Assembly recommends to the Governor General in Council that the absence of full responsible Government in India, the differences in conditions between India and England, and the provisions of the Government of India Act do not warrant differentiation in the army administration between India and England in regard to the ultimate control of, and responsibility for, the defence of the country, and that in view of the desirability of assimilating the system of administration in India to that in the United Kingdom, which has been arrived at after prolonged experiments, and the desirability of emphasizing the principle of the ultimate supremacy of the civil power, it is essential that the Commander-in-Chief should, without prejudice to his official precedence, cease to be a member of the Governor General's Executive Council and that the Portfolio of Defence, including Supply, should be entrusted to a civilian Member of the Executive Council assisted by an Army Council including the Commander-in-Chief and other high military experts and a certain number of civilians more or less on the model of the Army Council in England.'

**Sir Godfrey Fell :** Sir, I should like to say only a few words on this Resolution. As the Assembly is no doubt aware, there used to be a Military Department of the Government of India. That Military Department was in charge of a soldier, of the rank of Major-General, who represented, so to speak, the Government of India side, of army administration. At the same

[Sir Godfrey Fell.]

time there was a Commander-in-Chief, an officer of higher rank than the Member in charge of the Military Department ; he was also an extraordinary Member of the Governor General's Council. Lord Kitchener took exception to having to submit his administrative schemes for the sanction of a Department of Government, presided over by a military officer of lower rank than himself. He also objected to the proposals of his principal staff officers, as they would now be called, being noted upon and examined by military officers considerably junior to them in rank ; and, as a result of this objection, the Military Department was abolished and there was created instead a Department of Military Supply, also under a soldier of the rank of Major-General. This Department ceased to exist after two or three years ; and from that time onwards the whole of the administrative and executive control of the Army has been centred in one person, the Commander-in-Chief and Army Member.

Now, the experience of the great war showed, that at all events under war conditions, the burden was more than any one man could bear. Experience since the war, until the arrival of His Excellency the present Commander-in-Chief, has been to the same effect. The Esher Committee were very much impressed with the necessity for granting some relief to the Commander-in-Chief. They devised, as the Assembly is aware, two alternative methods. One was to relieve the Commander-in-Chief of all responsibility for provision and production, for supply in other words, and also for the administration of the Royal Indian Marine, by creating a new Department of Government, to be placed under a civilian head. The minority of the Esher Committee were not in favour of this arrangement, but proposed instead a Surveyor General of Supply, a high civilian officer working directly under the Commander-in-Chief.

I do not propose, either now or in connection with the next Resolution, to say one word on the merits of these alternative schemes proposed by the Esher Committee. The arguments for and against are clearly stated in the Report itself ; I only wish to mention this, that the third solution, which forms the subject-matter of the Resolution now before the Assembly, has naturally not escaped the attention of the Government of India, nor of His Majesty's Government. It is indeed at present under the consideration of His Majesty's Government. The Assembly will, I think, realise that a change of this importance requires very careful examination and very considerable knowledge of the issues involved, and could not be carried out, even if it were approved, until many delicate readjustments have been made in the administrative machinery, so as to define on a satisfactory basis, the relations between the Commander-in-Chief, who under any scheme would have to be retained in his present high position, and a Civilian Army Member. The Government of India propose neither to accept nor to oppose this Resolution, nor the next of the main Resolutions. They will welcome an expression of the Assembly's opinion on both.

I have only one word more to say in connection with this Resolution, and that is this. The matter was touched upon by Sir Sivaswamy Aiyer in his opening speech. The Assembly has to deal with a very difficult problem of Army administration—a problem which is exercising and has always exercised the minds of statesmen in other countries, in Europe and in America, a problem which is never satisfactorily solved. All I ask is this, that in considering this question and in giving their vote upon it, the Assembly will put

on one side that totally irrelevant consideration, namely, the ratio of Indian Members to European Members on the Viceroy's Executive Council. It is open to anyone in this Assembly to raise that constitutional question and to have it thrashed out on its merits. I only ask the Assembly to leave this out of consideration, in dealing with a problem which is sufficiently difficult without this complication.

**Mr. T. V. Seshagiri Ayyar:** Sir, I rise to oppose the Resolution. Before I do that, may I be permitted to convey the thanks of this Assembly to the Committee for the exceedingly good service they have rendered the House in stating very lucidly the principles which they want the House to accept. It is perhaps curious that the non-official spokesman on this subject should be a Madrasi and a Brahman, too, who does not belong to one of the warlike classes.

There is only one other matter, before I deal with the question itself, which I should like to mention, though it is rather unpleasant for me to do so. I wish my friend, Sir Sivaswamy Aiyer, had not referred to non-co-operators in the way he did at the end of his speech. This constant nagging at them is not likely to conduce to harmony or goodwill. We are all anxious that there should be close relationship between the Government and them and between them and ourselves. In these circumstances it is not desirable that their belief in 'Soul Force' and other matters should be sneered at frequently in this Assembly.

Now, Sir, on the Resolution itself I shall say only a few words. With Sir Sivaswamy I also cannot understand the reason why, because India has not got responsible government, we should be treated differently from the Colonies. I take it, that the object of the British people in this country is to govern India in the interests of the Indian people.

If that is their object, what does it matter whether we have got full responsible government or whether our affairs are being managed by Englishmen for us? If our affairs are to be managed by Britishers for us, there is no reason for any differential treatment as regards the Army Department between India and the colonies. Now, Sir, the first question I have asked myself in dealing with this problem is, is there any reason why there should be a departure from the *status quo ante*? Hitherto, the Commander-in-Chief has been a Member of the Executive Council, responsible for peace and war, and responsible for military policy. Has Sir Sivaswamy Aiyer assigned sufficient reasons for initiating a departure from the existing rule? In my opinion, Sir, the reasons which he has given are not sufficient for making a departure. He has said, that the organisation of the Army in India should approximate as far as possible to that in England. But, is it possible to make such an approximation so long as we have a Commander-in-Chief in India? There is no Commander-in-Chief in England; there is only the Secretary of State for War at the head of the Army Department assisted by an Army Council. Here we have a Commander-in-Chief who is an experienced and superior officer; and he is assisted, I think, by an advisory board; and the advisory board consists of his subordinates. Now, Sir, let us look at this question more closely. Supposing there is to be an Army Council, who is to be the President of it, the Civilian Member or the Commander-in-Chief? Supposing we say that the Commander-in-Chief is not to be a Member of the Executive Council, and that a Civilian Member should be appointed. Will the Commander-in-Chief be content to remain in the Army Council



[Mr. T. V. Seshagiri Ayyar.]

under the Civilian President? It is altogether unthinkable. If that is unthinkable, if you have a Civilian Member in the Executive Council and if you have a Commander-in-Chief who is at the head of the Army Council, there will constantly be differences of opinion, and I think this arrangement will not lead to harmony; it will lead to considerable friction between the two representatives. Under these circumstances so long as there is a Commander-in-Chief who occupies the peculiar position he does in this country, there is no use in saying, that there should be approximation between the position of the Army in India and of the Army in England. It may be said, Sir, that so far as the Army Council is concerned if it is put on a statutory basis, for example if Letters Patent are issued for the constitution of the Army or if by legislation in this Assembly an Army Council is constituted with a Civilian Member at its head, the position would become better. I do not share in this optimism. At present, the position is, that the advisory board, which I take it would ultimately become the Army Council, consists of persons who are entirely subordinate to the Commander-in-Chief. Under these circumstances, I am not prepared to accept the suggestion that there should be a Civilian as the Member of the Executive Council and that the Commander-in-Chief should be entirely outside this body. On the other hand, the better course would be to give the Commander-in-Chief, as has always been the case, a voice, a predominant voice in matters of peace and war and in all matters relating to military policy. He is not likely to trouble the Executive Council often, and I think he would be content to come here only whenever these important questions are discussed.

There was one passage in the quotation which Sir Sivaswamy Aiyer read, which struck me as being important; that passage was from Sir W. Anson. Sir W. Anson said, that if you have a military man to come for money, it is likely that he will not get it, but if he is a civilian, he is sure to get the money; and I think that should certainly be a recommendation to this Assembly to have in the Executive Council only a Commander-in-Chief to whom we might refuse money and not a Civilian Member whom we may find it difficult to refuse.

There is one other matter which must be taken into account, and that is this. As matters at present stand, the Commander-in-Chief will have his pay, his full pay, and he will have his staff; and if you get a Civilian Member in addition, the country will have to bear additional expense; whereas if you have a Commander-in-Chief who is also a Member of the Council, the country will be spared that expense. That is an argument which I think ought to commend itself to Mr. Hailey and to this Assembly as well.

Under these circumstances, I see no force in the suggestion put forward that there should be a Commander-in-Chief outside the Council and a Civilian Member in the Council.

Sir, these are the only observations that I wish to make, and under these circumstances, having regard to the fact that sufficient reasons have not been advanced for altering the existing state of affairs, I would advise my friend to veto this proposition altogether.

**Dr. H. S. Gour:** Sir, four alternatives are before this House, and the House should clearly understand the proposition they are called upon to vote for. The first is, shall we have, as we had prior to 1906, a Commander-in-Chief

and a Major-General who was the Military Member in the Viceroy's Executive Council? I may point out, that this proposition has been unanimously condemned by the Esher Committee who have decided that the Executive Committee should not have a Major General as a Military Member sitting side by side with the Commander-in-Chief in the Executive Council. So we may rule out this contingency as no longer open to discussion. There remain now three other possibilities. Let me state them to you. The first is, a Commander-in-Chief as a Member of the Executive Council and no Civilian Member, and the work that he is to do is proposed to be entrusted by the select committee to be done by a Surveyor General; second, that we should have both the Commander-in-Chief as well as a Civilian Member, and in having both, should we follow the recommendation of the six out of the ten members who constituted the majority of the Esher Committee; and the third alternative is, shall we have merely a Civilian Member in the Viceroy's Executive Council and recommend that the Commander-in-Chief be not a Member at all. Now, Sir, I shall advert to every one of these alternatives in their order. As regards the Commander-in-Chief being a Member of the Executive Council, as is the present practice, and which has been the practice since 1909, that is a course recommended by four Members out of the ten Members of the Esher Committee. You will find, Sir, by referring to Part II, page 11, paragraph 17, cogent reasons given why the Commander-in-Chief should be a Member of the Viceroy's Executive Council, and I submit, that after considering the *pros* and *cons*, I feel inclined to the view that this House should vote in favour of the Commander-in-Chief remaining a Member of the Viceroy's Executive Council. My friend, the Honourable Mr. Seshagiri Ayyar, has pointed out that the Commander-in-Chief is too exalted a personage to write despatches upon subjects other than his own. I am sure that a convention could very soon be framed that in matters which do not directly concern his department, such as Education, Industries, Agriculture and so forth, he will be treated as a Member of the Executive Council for purposes purely military. If this convention can be framed, I see no reason whatever why the Commander-in-Chief should not be given a place in the Viceroy's Executive Council. Such, Sir, is the view of four Members of the Esher Committee, namely, Lord Esher, Lieutenant-Generals Sir Hudson, Sir Caine and Major Umar Hayat Khan. Then we have the Majority Report, that is to say, the second alternative.

The majority of the Esher Committee propose that the Commander-in-Chief as well as a Civilian Member be both Members of the Viceroy's Executive Council, and the reasons given by the majority of the members of the Esher Committee are, so far as I can see, that the Commander-in-Chief will have lots to do and he cannot be expected to make arrangements for supplies and provisions in addition to his ordinary duties. Now I submit, that that is no reason whatever for rejecting the proposal of the minority that the Surveyor General should be in charge of munitions and supplies, and that the Commander-in-Chief should take his place in the Viceroy's Executive Council for the purpose of advising and guiding that Council so far as matters relating to his department are concerned.

There is the last alternative suggested by Sir Sivaswamy Aiyer, and one of the alternatives of the Select Committee, namely, that there should be only a Civilian Member in the Executive Council to represent military interests. It has been said, quoting from Sir William Anson, that a Civilian Member, if he presents a military budget, is likely to receive a more favourable response

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from Parliament than a purely Military Member. If I know this Assembly aright, I venture to think, that so far as this House is concerned, whether the military budget is presented by a Civilian or a Military Member, it will be open to equal scrutiny, and whatever may be the view in England, with reference to which Sir William Anson wrote his book on the constitution, I submit, that the view of this House would always be to scrutinise the facts and figures, and we shall not vote or refuse any grant merely because it comes from a Civilian or a Military Member. I am assuming, as was assumed in a recent Reuter's telegram, that military affairs are within the control of this House. At the present moment, they are not. I submit, therefore, that that argument need not detain us.

There remains the next question. If you are to denude the Viceroy's Executive Council of the expert advice of the Commander-in-Chief, the Viceroy's Executive Council will have no one to represent the military, and surely it cannot be said, that the Viceroy's Executive Council should be such a civilian body when the military interests may be of large importance in connection with the maintenance of the Indian Empire. As a matter of fact, as the Honourable Members know, they absorb the bulk of our annual revenues. I therefore submit, that it is essential that you must retain the Commander-in-Chief as a Member of the Viceroy's Executive Council, subject to the proviso I have stated, and that should be the vote of this House.

**Mr. Harchandrai Vishindas:** Sir, I oppose the proposition and support Mr. . . .

**The Honourable the President:** I should like to ask the Honourable Member who has an amendment in his name if he does not propose to move it, because if he does not, I shall not call his name.

**Munshi Iswar Saran:** Sir, I beg to move the amendment which stands in my name and with the permission of the House would insert two words. My amendment would then read:

'That in line 1, the words 'in view of' be inserted after the word 'that', and in line 2, the word 'and' be inserted after the words 'Government in India.'

'That the words 'it is considered advisable for the time being that when questions affecting the defence of the country or the army come up before the Executive Council, the Commander-in-Chief should have all the rights and privileges of a member thereof and the appointment of a Civilian Member of the Executive Council in charge of the Portfolio of Defence including Supply be deferred' be substituted for the words from 'and the provisions of the Government of India Act' in line 3 to the end of the Resolution.'

Sir, the question now before the House is whether the House would be in favour of the view that we should have a Civilian Member of the Viceroy's Executive Council or that His Excellency the Commander-in-Chief should continue to be a Member of the Executive Council.

When Sir Godfrey Fell spoke on this Resolution he said that it was a Resolution of considerable difficulty and one which required great thought and considerable knowledge. I entirely agree with him. It is a question of great difficulty and I have given great thought to it, but unfortunately I do not claim to possess considerable knowledge. Now there is no doubt that there will be many amongst us who will be inclined to agree that the administration of the Army in India should be assimilated to the administration as it is in England and that the civil power should be ultimately supreme, but I shall beg the House not to be led away by mere theories but to take the actual facts into consideration. Having regard to all the facts and circumstances, my

submission is, that the Commander-in-Chief should continue, for the time being, to be a Member of His Excellency the Viceroy's Executive Council. As we all know from the Report of the Esher Committee, the system of dual responsibility was tried and found wanting, and it was in the year 1909 that it was abandoned. It is quite possible if there is a Civil Member on the Executive Council representing the Army there may arise occasions of friction. I do not say they will, I only say they may. So why introduce the chance of friction arising while there is none under the present system?

There is considerable force in the argument that the Commander-in-Chief has more work than he can possibly cope with,—the Report of the Esher Committee lays great stress upon this point and I do not think there is any Member of this House who will not feel inclined to give some relief to His Excellency the Commander-in-Chief when he is so heavily pressed with work. I have suggested—and I hope the suggestion will meet with the approval of the House that he should have all the rights and privileges of a Member of His Excellency the Viceroy's Executive Council when questions relating to the Army and of defence come up for consideration. I ask you, how can His Excellency the Commander-in-Chief be particularly interested, for example, in questions relating to co-operation, agriculture, or public works? Why ask him to give away a great part of his time to these questions? Why should it not be placed on an official basis that he should only exercise the rights and privileges of a Member of the Executive Council when any question, however remotely it may be, connected with the defence of the country or affecting the Army comes up before the Executive Council for consideration. My suggestion, if accepted, will afford some relief to the Commander-in-Chief.

Then there was a proposal by the Esher Committee that some official of the Army should be given the right of representing His Excellency the Commander-in-Chief in the meetings of the Executive Council, during his absence, to place the military point of view before the Council. I submit, that we should take away the heavy work from the Commander-in-Chief and make provision that he should be relieved of every responsibility, but we should keep him as a Member of the Executive Council of the Governor General.

There is one matter which should not be lost sight of; we should be very careful to preserve the unity of control for the time being. It may be true, that the system as it prevails in England may be far superior to the system that I am advocating but we have to take the actual facts into consideration.

I therefore submit, that having regard to all these considerations, it is necessary that we should accept in a modified form the proposal of the minority of the Esher Committee. We should have a Surveyor-General who will be a Civilian and who will be under the command of His Excellency the Commander-in-Chief and we should keep the Commander-in-Chief as a Member of the Executive Council only for military purposes. I hope my amendment will find favour with the House.

**The Honourable the President :** The amendment that has been moved is :

'That in line 1, the words 'in view of' be inserted after the word 'that', and in line 2, the word 'and' be inserted after the words 'Government in India'.'

'That the words 'it is considered advisable for the time being that when questions affecting the defence of the country or the army come up before the Executive Council the Commander-in-Chief should have all the rights and privileges of a member thereof and the appointment of a Civilian Member of the Executive Council in charge of the Portfolio of Defence including Supply be deferred' be substituted for the words from 'and the provisions of the Government of India Act' in line 3 to the end of the Resolution.'

[ The President.]

The question I have to put is, that that amendment be made.

**Mr. A. D. Pickford :** Sir, I think in the matter of this Resolution a very clear distinction wants to be made between two aspects of the question. One is the principle which the Resolution embodies and the other is the question of the best procedure for conducting the affairs of the army in so far as its relations with the Viceroy's Executive Council are concerned. I think really that all this Resolution does is to try and establish the principle of civil control over the military. Immediately we go beyond that and try to decide what is the best method, then I feel that every man who has not been in the Viceroy's Executive Council, which includes by far the larger number of this Assembly, is not really qualified to express an opinion.

So far as one's disposition goes to express an opinion at all, I wonder whether in his secret mind His Excellency the Commander-in-Chief would rather be on the Executive Council or not. The point has been raised, especially by Dr. Gour, and I am afraid, I do not agree with him, that military affairs ought to be represented on the Executive Council by the Commander-in-Chief as being the man best qualified to fight military cases. Now, we have had it from His Excellency himself on a previous occasion in this very Chamber, that he is more conversant with bullets than with arguments. Those were not the exact words used, but that was the tenour of them, and I should be disposed to think, speaking with great diffidence on a subject, as I say, of which we cannot have full knowledge, I should be disposed to think that military cases—cases connected with military questions—were more likely to be argued effectively in Council by a Civilian than by a soldier. Therefore, I am afraid, I cannot support the appeal which has been expressed by Dr. Gour, and, as far as I understood him, by Munshi Iswar Saran.

**Mr. Harchandrai Vishindas :** Sir, I oppose the motion, even with the addition that Munshi Iswar Saran has proposed in the amendment, because I do not think that the amendment makes any great difference. In this debate one thing has been forgotten which I wish to bring to the notice of the House and it is this. The recommendations of the Committee in this regard are based upon the system prevailing in England. But is it known that that system has been pronounced to be a failure?—I mean the Army Council. As far as my information goes, this Army Council had been thrown out when the war broke out because it was said it makes an army the sport of party politics in England. That is one consideration why I oppose this motion.

Another consideration is, that as Sir Godfrey Fell has told us, this is a very complicated subject and requires a good deal of examination and careful consideration.

Therefore, I would say, that all things being considered, the *status quo* should be maintained as Mr. Seshagiri Ayyar has argued. Another point is as to the position of the Commander-in-Chief on the Executive Council. A good deal has been said with regard to that. But I think that the best solution of that would be, that whilst the Commander-in-Chief should be allowed to remain on the Executive Council as hitherto as the best military adviser of the Government, he should be relieved of a good deal of the duties which he has now, as a Member of the Executive Council, to perform in conjunction with other Members of the Executive Council. I think it is

fair to him and fair to the public that he should be relieved of these duties. It is fair to him because it takes away unnecessarily a good deal of his time which will be better employed in his military duties. It is fair to the public because the Commander-in-Chief cannot be said to be an expert in all these matters that have been mentioned in the debate. Therefore the best solution would be, that except in military matters, the Commander-in-Chief should not be troubled with other matters in the Executive Council at all. But, Sir, there is one important consideration which has not been taken into account in the present case. I mean, we do not know what His Excellency the Commander-in-Chief's own views are. We have not been enlightened about it. In the absence of that, I think, it is much better that the *status quo* should be maintained.

**Mr. S. C. Shahani:** Sir, I rise to support the Resolution that has been moved by Sir Sivaswamy Aiyer. My reasons are, that the duties of the Commander-in-Chief have to be clearly understood. There has been, to my mind, a certain misconception with regard to his duties. It has been made out, that if he is not in the Executive Council, the military policy of India will not be properly shaped. If the military policy of India is to be properly shaped, he should have hardly anything to do with it except in the shape of advice. He should not be required to influence the military policy of India. It is, I think, for the Civilian Members of the Executive Council of the Governor General to concern themselves with the policy, and the execution of this policy is to be left to the Commander-in-Chief. I cannot see how his absence will be calculated to injure the interests of India. Outside the Council he would concern himself with the execution of the military policy only, and the military policy will have a chance of being properly shaped in the Executive Council. It is properly pointed out that the addition of a Civilian Member to the Executive Council will prove costly. I am distinctly of opinion, that this cost should be cheerfully borne by India. It will pay India in the long run to have the supremacy of the civil element in the Government of India, to allow the Commander-in-Chief to influence its military policy. It has been said by my Honourable friend, Mr. Harchandrai Vishindas, that the Army Council has failed in England, and that the present English system is about to be changed. My information has been to the contrary and my opinion is that the system which has been in vogue in England should be adopted by us in India.

It would have been a very good thing for the House if Dr. Gour had considered the pros and cons of the question here in this House. He has not in any manner pointed out why we should not accept the principle which has been accepted by the English people and which has been enforced there.

**Sardar Bahadur Gajjan Singh:** As has been pointed out on behalf of Government, the question is full of difficulties, and I am very sorry to remark that the Select Committee appointed by this House has only contented themselves with submitting some Resolutions which can be moved in this House. They have given no reasons for their conclusions, because it is in that case alone that this House would have been in a better position to vote one way or the other.

Sir, notwithstanding all these defects, I am very clearly of opinion that the present state of things should be permitted to continue. No reason up to

[ Sardar Bahadur Gajjan Singh. ]

this time has been pointed out why this system should be done away with. Unless there is something very very wrong in the system, which I submit is not the case, we should continue the system.

My friend, Mr. Shahani, has pointed out, that the Commander-in-Chief, generally speaking, should have no hand in shaping the military policy of the Government of India. I beg to differ from him. The Government of India requires a military adviser to come to conclusions in connection with the military policy of this country, and I cannot conceive for a moment that anybody except the Commander-in-Chief is in a proper position to advise the Government of India on that policy. I have very great regard and respect for the Civil Service of the country, and I dare say, that many of the members of that service may be very able officers in presenting the case of the military in the Executive Council. But a civilian, whoever he may be, with the best qualifications, will lack experience of military matters, and will have only to go upon paper files. As we all know, great care is generally taken in the appointment of the Commander-in-Chief in India. Generally, he is a soldier of very great experience. He knows modern warfare, and has served on many battlefields, and, therefore, it goes without saying, that he and he alone can advise the Government of India on the military policy to be followed. Then, of course, nobody denies for a moment the principle that the civil ought to be the controlling power. His Excellency the Commander-in-Chief ought to be in the Executive Council to advise the Council, and if a decision has been arrived at by the Government of India, he will give effect to that decision. So, the policy that the civil power ought to be the supreme power still holds good. Moreover, Sir, I would beg the House to take into consideration the fact, that by keeping His Excellency the Commander-in-Chief out of the Executive Council, I am afraid the status and the position of the Commander-in-Chief will be materially impaired, and that is highly undesirable. Therefore, I submit, that the House should carefully take into consideration all these matters before they vote for disturbing the present state of things. The mere analogy of England's constitution does not hold good. In England, of course, it is correct that the War Minister is a non-military officer. But the conditions of England, in many other respects, especially in these matters, are quite different from those in India. There, the War Minister, has the advantage of the advice of the Cabinet which consists of very great statesmen and ministers, while the same cannot be said of the Executive Council here notwithstanding the best talent that we have here. They are not acquainted, with the exception of His Excellency the Commander-in-Chief, with the many problems relating to the military. Therefore, I would strongly urge and beg this House to allow the present state of things to go on unless very good ground has been shown in regard to this matter.

**Mr. Wali Mohamed Hussanally :** I move ' that the question be now put '.

The motion ' that the question be now put ' was adopted.

**The Honourable the President :** The question is :

\* This Assembly recommends to the Governor General in Council that the absence of full responsible Government in India, the differences in conditions between India and England, and the provisions of the Government of India Act do not warrant differentiation in the army administration between India and England in regard to the ultimate control of, and responsibility for, the defence of the country, and that in view of the desirability

of assimilating the system of administration in India to that in the United Kingdom, which has been arrived at after prolonged experiments, and the desirability of emphasizing the principle of the ultimate supremacy of the civil power, it is essential that the Commander-in-Chief should, without prejudice to his official precedence, cease to be a Member of the Governor General's Executive Council and that the Portfolio of Defence, including Supply, should be entrusted to a Civilian Member of the Executive Council assisted by an Army Council including the Commander-in-Chief and other high military experts and a certain number of civilians more or less on the model of the Army Council in England'.

Since which an amendment has been moved :

'That in line 1, the words ' in view of ' be inserted after the word ' that ', and in line 2, the word ' and ' be inserted after the words ' Government in India ' and

'That the words ' it is considered advisable for the time being that when questions affecting the defence of the country or the army come up before the Executive Council, the Commander-in-Chief should have all the rights and privileges of a member thereof and the appointment of a Civilian Member of the Executive Council in charge of the Portfolio of Defence including supply be deferred ' be substituted for the words from ' and the provisions of the Government of India Act ' in line 3 to the end of the Resolution.'

The question is, that this amendment be made.

The Assembly divided as follows :

AYES - 23.

Abul Kasem, Mr.  
Bagde, Mr. K. G.  
Barua, Srijut Debi Charan.  
Bhargava, Mr. J.  
Bishambhar Nath, Mr.  
Carter, Sir Frank.  
Chaudhuri, Mr. J.  
Dass, Pandit R. K.  
Gidney, Lt.-Col. H. A. J.  
Gour, Dr. H. S.  
Iswar Saran, Mr.  
Jatkar, Mr. B. H. R.

Lakshmi Narayan Lal, Mr.  
Latthe, Mr. A. B.  
Mahadeo Prasad, Mr.  
Majid, Sheikh Abdul.  
Nag, Mr. Girish Chandra.  
Neogy, Babu Khitish Chandra.  
Percival, Mr. P. E.  
Singh, Mr. B. P.  
Sircar, Mr. N. C.  
Sohan Lall, Mr.  
Subposh, Mr. S. M. Zahid Ali.

NOES—33.

Afsar-ul-Mulk Akram Hussain, Prince.  
Amjad Ali, Mr.  
Asjad-ul-lah, Maulvi Miyan.  
Ayyar, Mr. T. V. Seshagiri.  
Bajpai, Mr. S. P.  
Cotelingam, Mr. J. P.  
Das, Babu Braja Sundar.  
Dentith, Mr. A. W.  
Dwarkanadas, Mr. J.  
Gajjan Singh, Mr.  
Gulab Singh, Sardar.  
Hussanally, Mr. W. M.  
Ikramullah Khan, Mr. Mirza Md.  
Kabiraji, Mr. J. K. N.  
Man Singh, Bhai.  
Maw, Mr. W. N.  
Mitter, Mr. D. K.

Muhammad Hussain, Mr. T.  
Muhammad Ismail, Mr. S.  
Nabi Hadi, Mr.  
Norton, Mr. Eardley.  
Pickford, Mr. A. D.  
Pyari Lall, Mr.  
Rao, Mr. P. V. Srinivasa.  
Reddiyar, Mr. M. K.  
Renouf, Mr. W. C.  
Samarth, Mr. N. M.  
Safaraz Hussain Khan, Mr.  
Shahani, Mr. S. C.  
Sinha, Mr. S. P.  
Spry, Mr. H. E.  
Vishindas, Mr. Harchandrai.  
Wild, Mr. C. E.

The motion was negatived.



**Mr. N. M. Samarth :** Sir, my amendment is :

'That in line 8, between the word 'essential' and the word 'that' the words 'to keep in view the goal' be inserted.'

I need not make a long speech in support of that amendment. If I had the time I would have taken the Assembly through the discussion of the subject which took place in 1879. Before the Army Commission of 1879 the whole subject was thoroughly discussed and there was a minority report on this matter as well as a majority report. The minority consisted of Major General Sir Peter Lumsden and Brigadier General O'Connor, and they both pointed out the necessity of keeping intact the Commander-in-Chief's position as Head of the Army as well as Member of the Executive Council. They reviewed the considerations which had been urged for the purpose of introducing the same system of Government in India as obtained in England, but they pointed out that the time had not come for the introduction of such a system, and seriatim they dealt with all the objections which had been taken to the Commander-in-Chief being placed in the position of a Member of the Executive Council. Now I need not detain the Assembly for more than a couple of minutes.

**The Honourable the President :** The Honourable Member's amendment is a merely formal drafting amendment, and he cannot raise the question of principle by inserting a few words of that kind. Unless the Honourable Member can show me how his amendment raises a larger question of principle, I must take it that his amendment is one of drafting only.

**Mr. N. M. Samarth :** Well, Sir, my position is only this. I wish the whole thing to be kept in view as a goal, and not overlooked nor given effect to immediately. That is my idea in moving this amendment.

The amendment was negatived.

**Babu K. C. Neogy :** Sir, I beg to move as an amendment :

That after the words ' assisted by an Army Council ' in line 11, the following words be inserted :

' to be created by Statute or by Royal Warrant. '

I do not claim, Sir, that this amendment of mine seeks to do anything more than bring out the latent meaning of the substantive Resolution. As will be seen it is recommended that the Army Council should be modelled more or less on the lines of the Army Council in England. Now, if we look into the constitution of the Army Council in England, we find that it was created under a Letters Patent in 1904, and its duties are regulated by an Order in Council. My brief submission before this Assembly is this ; if we are going to have an Army Council at all, let us give it a regular constitution, a formal constitution unlike the one which the Army Advisory Council has got at present. Well, Sir, I am fortified in this submission of mine by the fact that Mr. Rangachariar had an amendment very much to the same effect—No. 19 on this list—but unfortunately Mr. Rangachariar is away to-day. With these words I commend the amendment to the acceptance of this Assembly.

**Sir Godfrey Fell :** Sir, as the Honourable Member has pointed out, the Army Council at Home was created by Letters Patent in 1904. Since then

the constitution and organisation of the Army Council have been modified many times. After the original Order in Council in 1904, which gave effect to the constitution of the Army Council, 2 Orders in Council were passed in 1909, one in 1910, two in 1915, one in 1916, five in 1917, three in 1918, and one in 1920—the latest dates up to which I have any information. In the United Kingdom it is very easy to modify the constitution of the Army Council by an Order in Council, signed by His Majesty the King on the advice of his Privy Council. Now, in a matter of this sort, supposing we had an Army Council in India, we should not be able to modify its constitution by an Order in Council, for the Order in Council procedure would not be appropriate to what goes on in India under the Government of India. The alternative proposal of the Honourable Member, that the Army Council should be constituted by Statute, would, I think, give rise to many practical difficulties in this way, that if changes in army administration, due for example to the creation of new arms, such as the Air Force, have to be carried out, or if it is desirable for other reasons to modify the constitution of the Army Council, it would be necessary on every occasion to resort to legislation. So I am opposed, Sir, to this amendment. I think that it will merely create difficulties, and that it will be quite sufficient to leave it to the executive government to modify the constitution of the Army Council, if we have one, as circumstances dictate from time to time.

The amendment was negatived.

**The Honourable the President :** The question is that the Resolution be adopted.

**Mr. Eardley Norton :** I am sorry, Sir, that I am not in a position to accept the invitation of Sir Godfrey Fell that we ought not in discussing this Resolution to keep in our minds the question of the ratio of Indians to Europeans in the Viceroy's Executive Council. It may be quite true that this matter is of sufficient importance of itself to entitle it to be adjudicated upon finally in the course of a full dress debate. But I do not see why, because it happens to be a question of importance and principle, we should not avail ourselves of it when, as here, it forms the essence of the position as that position presents itself to my mind in discussing this Resolution. I am opposed to this Resolution . . .

**The Honourable the President :** If the Honourable Member means to discuss the question of the balance between the British and Indian members of the Viceroy's Executive Council, I think I must say that it is not strictly relevant to this Resolution.

**Mr. Eardley Norton :** I wish to refer only incidentally to it as one of the reasons why I oppose this Resolution. I do not wish to touch upon its merits now. I am opposed to this Resolution as it stands. I am opposed to the suggestion that His Excellency the Commander-in-Chief should be taken off the Viceroy's Executive Council and that there should be substituted for him there a civilian member with a vote in Council. I speak with diffidence on this question, because I do not profess to be an expert on military matters. But still as one of those who are called upon to vote upon these questions, and as I believe that I represent the opinion of some tangible portion of laymen who have taken pains to try and study and master this very difficult question, I think I am entitled to put forward the reasons

[Mr. Eardley Norton.]

which have actuated me to oppose this motion with voice and, if necessary, by vote. Its consideration depends upon a very brief review of the military situation here, and I must include, by way of balance, a brief reference to the military situation as it exists in the Secretary of State's office in London. Here at present the Viceroy's Executive Council consists, excluding His Excellency the Viceroy, of 8 members. Of those 5 are English and 3 are Indians. One of them, Sir George Barnes is retiring, and I understand that his portfolio will be transferred to Sir Thomas Holland. That brings the number of members down to 4 against 3. If, as I suggest, His Excellency the Commander-in-Chief be relieved of all obligation and duties possibly for the general civil administration of this country he can devote the whole of his time and ability to the question of the Army. This, except on the special occasion, when his presence on Army matters would be necessary, would reduce the racial votes in Council to an equality of 3. I do not think that that is an unfair reason to advance in support of my view that the Commander-in-Chief should not be permanently taken off the Viceroy's Executive Council, but should be appointed an extraordinary member of that Council with duties restricted to the consideration and enforcement of the needs of a special organisation like the Army. It is, I suggest, a sound reason for protesting against the introduction of a civilian member whose presence would disturb the equality of the racial vote. I suggest therefore that His Excellency the Commander-in-Chief should be taken off the Council as an ordinary member and appointed as an extraordinary member, thus relieving him of all connection with the ordinary civil administration of this country, and enabling him to devote the whole of his time to the betterment of the service to which he himself belongs and of which, if I may say so in his presence, he is himself so fine an exponent and an example. Thus the executive will in that view be reduced to an equality of voting power between Englishmen and Indians with a casting vote resting in His Excellency the Viceroy. The Commander-in-Chief should be called upon to advise on all questions which, either directly or indirectly, affect the Army in India, and among all the members in the Viceroy's Executive Council, I am sure his ripe and varied experience and his great services to mankind will entitle him to a constant, respectful and considered acquiescence. He already owns a distinguished and efficient staff, to which might be added, if necessary, the Surveyor General of Supplies and the strength of which might, as occasion arises, be further supplemented. But I should prefer to give the staff of the Commander-in-Chief a corporate statutory existence by an Act passed by both Houses of this legislature, and I think I may express the hope that in consequence of the experience obtained during this our first and infant session, we may all safely assert that our legislature would not be backward in arming the head of our Army with all the necessary powers which his wisdom and his experience may induce him to ask for. That is the position of affairs out here, and that is the position which seems to me best to meet the situation so far as India is concerned.

But we must look briefly at the complement of this picture, the position of Army affairs in our Secretary of State's office in England. There we are represented by a Secretary of State with a Council drawn, theoretically, from the matured elder statesmen of this country who are presumed to offer their chief the crystallized fruits of their own varied and personal experience. The military experts in the India Office at least comply with these postulates. In

General Barrow we possess a worthy type of the soldier-statesman who is competent to offer advice worth the following. His Military Secretary, General Cox, fulfils his functions as worthily. Both are soldiers of wide Indian experience. . . .

**Sir Godfrey Fell :** May I point out, Sir, that General Cox is not now the Military Secretary at the India Office ?

**Mr. Eardley Norton :** Has he ceased to be ? Let us hope then that his position will be filled by an equally competent and trustworthy officer. I think there is a great field open for choice plenty of military talent to step into a vacancy and I trust the selected officer will be not inferior to General Cox.

At any rate, with General Barrow in charge and with some able and trustworthy Military Secretary under him, I think we may look forward without anxiety to the Secretary of State being guided by reliable counsel along the right path. I strongly object to the suggestion made that General Barrow should be displaced. I think that he ought to be retained, I think that his Military Secretary should also be retained. In the event of General Barrow remaining in office, I should raise no objection to his Military Secretary becoming, as is suggested, the Deputy Chief of the Imperial General Staff in London. But, with General Barrow displaced, I should strongly object to his Secretary being brought under the influences of that Staff. I would, therefore, support the retention of both the General and his Military Secretary. . . .

**Mr. N. M. Samarth :** Sir, may I rise to a point of order ? The remarks that my Honourable friend is making refer to another Resolution altogether, No. 20.

**The Honourable the President :** I was in some doubt while the Honourable Member was speaking as to the exact relevance to this Resolution. If he is trying to establish the analogy between the system of administration here and that of the United Kingdom, the analogy really under discussion is the analogy between the administration of the army by the Commander-in-Chief in India and the administration of the army by the Secretary of State for War and the Army Council in England and not strictly the military organisation within the India Office.

**Mr. Eardley Norton :** What I was trying to do was only to complete the other side of the picture which I said was complementary to the situation as I would have it be here and without mention of which my representation would be imperfect. The two make one whole, and it is necessary for me to explain if I uphold the retention of the Commander-in-Chief on the Viceroy's Council—how that retention will react upon the military situation on the Council of the Secretary of State for India. However, I do not wish to pursue that matter further. Let me remind this House that the Secretary of State for India fulfils a two-fold capacity. In his capacity as a member of the Cabinet, he has available to him a whole armoury of knowledge and advice on all questions of military organisation, equipment, and strategy. He is as a Cabinet Minister in touch with the Army Council and with the best and highest military experts whose experience has been enlarged, tested, fortified and defined by direct contact with war. But in his capacity as our Secretary of State the incumbent of that office owes a duty which is

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entirely ours. That duty is to defend and conserve the interests of India wherever those interests may be questioned or wherever they come into conflict with the hostile interests of others. On such occasions I maintain we are entitled to his undivided and energetic support. Of such an occasion this Resolution, which I am opposing, affords a clear and important instance. The proposal to tack on a Civilian Member in Council to the Commander-in-Chief is, in the first place, an unnecessary financial burden, and, in the second, an innovation which will fetter the struggles of those who champion the principle that we should foster on every legitimate occasion the education of the representatives of legitimate Indian political power and ambition. These, then, are some of the reasons which prompt me to speak, and speak strongly, against the proposal that the Commander-in-Chief should be taken permanently off the Executive Council of His Excellency the Viceroy where his knowledge must be of paramount importance on all questions affecting military matters in this country, and that his place should be filled by a civilian—I do not necessarily mean a Member of the Indian Civil Service—but at any rate by a civilian who is to have priority on all questions of military expenditure and policy to the Commander-in-Chief himself. That is a proposal which does not appeal to me, I ask this House very seriously to consider whether any reason exists or has been suggested at any rate at the present time, for interfering with conditions as they now stand. These conditions are an existing fact. They have worked not unhappily so far and, as I think Sir Godfrey Fell suggested, they are accompanied and ringed with a multiplicity of delicate considerations which cannot be discussed and thrashed out across the floor of this House. Therefore let us rest content with a situation with which we are familiar with men in whom we can repose confidence, with results which have emerged with success from tests which are as serious as they have been numerous. We should be wise to defer this thorny question until our hands are less fettered by circumstances of menacing and unhappy import to some of which reference has already been made in the course of this session and to which I do not desire to make further allusion to-night.

**Lieutenant-Colonel H. A. J. Gidney:** Sir, as a member of the Select Committee and one who dissented from this proposition, I rise to oppose it.

I submit, Sir, that when the Esher Committee completed its report, conditions of everything in the Empire and especially in India were vastly different to what they are to-day and it is with to-day, and the future that we are mainly concerned.

His Excellency the Commander-in-Chief at that time had more work than he could possibly cope with. His duties were more or less centralised, but now they have been so decentralised as to relieve him of a large portion of his duties and I consider we should advocate his retention on the Executive Council of the Viceroy on the score of less work. But I strongly oppose his being replaced on that Council by a civilian member. Whom would we hold responsible to this House if anything went wrong in connection with the administration of the Army in India, the Commander-in-Chief or the civilian member? I certainly think the Commander-in-Chief. In the Report it is distinctly stated that the Commander-in-Chief should be the sole military adviser to the Government of India, and the Governor-General would look to the Commander-in-Chief for all military advice on questions in which India

alone is concerned and he would be in a position to express upon the latter the views of the Chief of the Imperial General Staff. Under this proposal the Governor-General would be assured of undivided counsel upon military questions and uniformity of military policy would be established between Great Britain and India.

A civilian member of Council, I think, would certainly be a better man to improve the brains of the Army; but I do think that His Excellency the Commander-in-Chief would be the better man to blow out the brains of our enemies and that is why our Army is kept up to a high state of efficiency.

I consider, Sir, that this House would do wrong to accept this Resolution. I noticed that Sir Sivaswamy Aiyer did not mention that at the Select Committee meeting, there were four dissenting votes including one made by myself. I would ask this Honourable House to vote for the retention of the Commander-in-Chief in the ex-Council and to oppose his replacement by a Civilian Member. The Indian Army look to the Commander-in-Chief as their one and only head, and I therefore oppose this Resolution.

**The Honourable the President:** The question is, that the question be now put.

The motion was adopted.

**The Honourable the President:** The question is, that the Resolution be adopted.

(i.e., Sir Sivaswamy Aiyer's Resolution No. 3, as follows :

'This Assembly recommends to the Governor-General in Council that the absence of full responsible Government in India, the differences in conditions between India and England and the provisions of the Government of India Act do not warrant differentiation in the army administration between India and England in regard to the ultimate control of, and responsibility for, the defence of the country, and that in view of the desirability of assimilating the system of administration in India to that in the United Kingdom, which has been arrived at after prolonged experiments, and the desirability of emphasizing the principle of the ultimate supremacy of the civil power, it is essential that the Commander-in-Chief should without prejudice to his official precedence, cease to be a member of the Governor-General's Executive Council and that the Portfolio of Defence, including Supply, should be entrusted to a civilian member of the Executive Council assisted by an Army Council including the Commander-in-Chief and other high military experts and a certain number of civilians more or less on the model of the Army Council in England.'

The motion was negatived.

#### RESOLUTION No. 4.

**The Honourable the President:** The Resolution moved is :

'That this Assembly recommends to the Governor-General in Council that if the Portfolio of Defence including Supply is not entrusted to a civilian member of the Executive Council as recommended above, the proposal of the majority of the Esher Committee for the creation of a separate department for Production and Provision under a member of the Executive Council be not accepted, and that the proposal of the minority, namely, that the responsibility should be entrusted to a Surveyor-General of Supply, who should be a civil member of the Commander-in-Chief's Military Council, be accepted. This would seem to have the merit of being more logical and economical and would have the further advantage of avoiding the addition of a civil member to the Executive Council in connection with military administration.'

**Mr. N. M. Samarth:** I move, Sir as an amendment—and having regard to the fate of the previous Resolution I hope my amendment will be passed without any dissentient voice :

'That the words from 'if the portfolio' down to 'recommended above' be omitted.'

The motion was adopted.

**The Honourable the President:** The question is, that the Resolution, as amended,\* be adopted.

The motion was adopted.

#### RESOLUTION No. 5.

**The Honourable the President:** The Resolution moved is :

‘ This Assembly recommends to the Governor General in Council that :

- (a) The Commander-in-Chief and the Chief of the General Staff in India should be appointed by the Cabinet on the nomination of the Secretary of State for India in consultation with the Government of India and the Secretary of State for War.
- (b) In the case of Army Commanders who are officers of the Indian Army the appointment should be by the Secretary of State for India on the nomination of the Government of India.
- (c) Appointments to the offices mentioned against Serial Nos. 3, 6, 7, 8, 10, 12 (Report Schedule annexed to Section VI) should be made in the manner proposed for Army Commanders.
- (d) The appointment of Secretary to the Military Department, India Office, should be made by the Secretary of State on the recommendation of the Government of India and after advice obtained from the Chief of the Imperial General Staff. He should, *ex-officio*, have the status of a Deputy Chief of the Imperial General Staff and should have the right of attending the meetings of the Army Council when questions affecting India are discussed. He should not be under the orders of the Chief of the Imperial General Staff.’

**Sir Godfrey Fell:** Sir, all I need say on this Resolution is that I should like to congratulate the Committee of this Assembly, if I may upon having arrived at conclusions on this point which are identical with those of the Government. I need therefore hardly say that the Government are quite prepared to accept this Resolution as it stands.

The Resolution was adopted.

#### RESOLUTION No. 6.

**The Honourable the President:** The Resolution moved is :

‘ This Assembly recommends to the Governor General in Council that the Commander-in-Chief’s right of correspondence with the Chief of the Imperial General Staff should be subject to the restriction that it does not commit the Government of India to any pecuniary responsibility or any line of military policy which has not already been the subject of decision by them ; copies of all such correspondence at both ends being immediately furnished to the Government of India and the Secretary of State for India.’

**Munshi Iswar Saran:** Sir, I beg to move the amendment† which stands in my name. I propose that His Excellency the Commander-in-Chief’s official correspondence with the Imperial General Staff should pass through the regular official channel. I am glad to find that Sir Sivaswamy Aiyer in his opening speech said that most members of the committee thought that the correspondence should pass through the regular official channel, but that after some explanation was given to them, they thought fit to change their view. I am afraid, Sir, I must press this amendment because I consider that this is really a matter of principle. In official matters too much stress cannot be laid on the observance of regularity of procedure. It was for this reason, I would like to remind this House, that the Mesopotamian Commission remarked that the Governor General should not send private telegrams on

\* (i.e., Sir Sivaswamy Aiyer’s Resolution No. 4 as amended by Mr. Samarth.)

† That the words ‘ passes through the Government of India and the India Office ’ be substituted for the words from ‘ does not commit ’ in line 3 to the end of the Resolution.’

official business to the Secretary of State. I do not say that this is a case of private correspondence. What I do submit is this, that in matters of official procedure, too much stress cannot be laid on a strict observance of the rules which may be in existence at the time. Now, as long as the Army is under the Government of India and the Secretary of State, the Commander-in-Chief as the head of the Army should carry on correspondence with the Imperial General Staff through the Government of India and the Secretary of State. Furthermore, I find that the Secretary of the Military Department of the India Office will have the *ex-officio* status of a Deputy Chief of the General Staff, and will have the right of attending the meetings of the Army Council when questions affecting India are discussed. The Military Secretary, I submit, will be a sort of connecting link between the India Office and the Imperial General Staff. I therefore submit that no case has been made out for any departure from the old established practice which is not only wise but also necessary. I should, with your permission, like to say a word as to what this Imperial General Staff is. It was in 1907 at the Imperial Conference that it was decided that the British General Staff should be expanded into an Imperial General Staff. Their function is to study military science, collect and disseminate to the various Governments military information and intelligence, to undertake the preparation of schemes of defence on a common principle and without in the least interfering in questions connected with command and administration to advise, at the request of the respective Governments as to the training, education and war organisation of the military forces of the Crown in every part of the Empire. Having regard to this function of the Imperial General Staff, I submit there is no necessity why correspondence should not be carried on by the Commander-in-Chief through the Government of India and India Office. It is said in the report of the Esher Committee that great delay takes place if the correspondence goes through the Government and the Secretary of State. If that be so, then, I submit there is need for improving the machinery of the Government of India and the India Office so that the correspondence that passes through them should not be delayed. But that is surely no reason why a well recognised official procedure according to which the Commander-in-Chief carries on correspondence through the Government of India and the India Office should be departed from. I submit, Sir, that this is really a question of principle, and I hope the House will accept the principle which is embodied in the amendment which I have the honour to move.

**Sir Godfrey Fell:** Sir, in opposing this amendment, I should like to point out that, in effect, it is a direct negation of the Resolution to which it is an amendment. The Esher Committee recommended the grant of the right of direct correspondence between the Commander-in-Chief in India and the Chief of the Imperial General Staff; and the Resolution standing in Sir Sivaswamy Aiyer's name supports that recommendation, subject to certain perfectly reasonable safeguards.

Munshi Iswar Saran's amendment would have the effect of denying to the Commander-in-Chief in India and the Chief of the Imperial General Staff any right of *direct* correspondence whatever, and it is for this reason that I describe this amendment as a direct negation of the Resolution.

Sir, the idea that there should be, within certain limits, direct correspondence between the Commander-in-Chief in India and the Chief of the Imperial General Staff is in accordance not only with the recommendations of the Esher



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Committee, but with the views of the Government of India. The Government of India hold that there is every advantage in the maintenance of free communication between these two authorities. Military policy is the function of the civil Government. It forms part of general policy, and it is the supreme civil power, the Cabinet in England, and the Executive Council here in this country, who are responsible for policy. The soldier's function is to advise, whether it be the Cabinet at Home or the Governor General here, to advise the supreme civil authority as to the military means necessary to carry out that policy; and it is just in connection with the assessment of those means that direct and free communication between these two authorities is so desirable, on technical questions especially. It is only by such consultation that misunderstandings can be prevented and differences of opinion composed. The Government of India hold, however, that direct communications of this sort between these two authorities should be restricted to questions of organisation, training, equipment, and the selection of officers for commands and senior staff appointments. They also hold strongly that the Secretary of State for India and they themselves should be kept fully informed of the nature of these communications; and I may say that that has been the invariable practice since this method of direct communication between the Commander-in-Chief and the Chief of the Imperial General Staff was adopted during the war. The Government of India, as I think I have already informed this Assembly, hold also that all final proposals or instructions to the Government of India affecting military policy, and more especially those which affect questions of distribution and re-equipment of Indian troops or their employment outside India, should emanate from the Secretary of State for India alone. This system of direct communication between the Commander-in-Chief in India and the Chief of the Imperial General Staff in no way gives the Army Council or any authority of the War Office a right to exercise any control over Indian military affairs. Subject, therefore, to the limitations which I have indicated, the Government are wholly in favour of direct communication, and I ask that this amendment be rejected as interfering with that right.

The amendment was negatived.

**His Excellency the Commander-in-Chief:** In reference to this Resolution now before the House, I wish to say that we accept the Resolution proposed. But it is a Resolution which touches the Commander-in-Chief, and me personally so closely, that I should like to say a few words to the House upon the subject.

Even in the absence of this Resolution, it would never enter my head as Commander-in-Chief, nor would it be possible for me to commit the Government of India to any pecuniary responsibility or any line of policy which has not been the subject of decision by the Government of India.

Communications between myself and the Chief of the Imperial General Staff at Home are confined, and always will be confined, to matters of administration, of appointment, of all the various details which are constantly matters of communication between high military authorities, and it is for the purpose of paving the way, of hastening decisions, and making things run smoothly, that he and I communicate with each other for the public good.

Honourable Members seem to have an idea that there is some sort of conspiracy going on between myself and the Chief of the Imperial General Staff

which may in some sort of nebulous way influence the Government of this country. Now I wish definitely to tell this Assembly that as their Commander-in-Chief I am the servant of the Government of India and the servant of this Assembly, with no interest at heart except the interests of India, and that they may trust me to fight the battles of India not only on the field but also in the Council Chamber for the best interests of India and with every weapon and resource that I can command.

**The Honourable the President:** The question is, that the following Resolution be adopted :

‘This Assembly recommends to the Governor General in Council that the Commander-in-Chief’s right of correspondence with the Chief of the Imperial General Staff should be subject to the restriction that it does not commit the Government of India to any pecuniary responsibility or any line of military policy which has not already been the subject of decision by them; copies of all such correspondence at both ends being immediately furnished to the Government of India and the Secretary of State for India.’

The motion was adopted.

#### RESOLUTION No. 7.

**The Honourable the President:** The Resolution moved is :

‘This Assembly recommends to the Governor General in Council :

- (a) That the King-Emperor’s Indian subjects should be freely admitted to all arms of His Majesty’s military, naval, and air forces in India and the ancillary services and the auxiliary forces, that every encouragement should be given to Indians—including the educated middle classes—subject to the prescribed standards of fitness, to enter the commissioned ranks of the Army and that in nominating candidates for the entrance examination, unofficial Indians should be associated with the nominating authority.
- (b) That not less than 25 per cent. of the King’s Commissions granted every year should be given to His Majesty’s Indian subjects to start with.’

**Mr. W. C. Renouf:** Sir, I would ask your permission to move the amendment in my name before those in the names of my Honourable friends Bhai Man Singh and Sardar Gulab Singh. I have obtained their agreement to this course, provided they retain the right to move their amendments if mine fails. If my amendment is accepted, their amendments will be withdrawn.

Sir, I beg to move the amendment which runs as follows :

‘That to clause (a) of the Resolution, the following be added :

‘and in granting King’s Commissions, after giving full regard to the claims to promotion of officers of the Indian Army who already hold the commission of His Excellency the Viceroy, the rest of the commissions granted should be given to cadets trained at Sandhurst. The general rule in selecting candidates for this training should be that the large majority of the selections should be from the communities which furnish recruits to the army and, as far as possible, in proportion to the numbers in which they furnish such recruits.’

Sir, I would explain at the outset that, while this amendment urges that strong preference should be given to those classes which now man the army, it is not implied that there are not many other classes in India which could supply officers and men who possess all the qualities necessary for the profession of arms. This position could not be maintained for a single moment. That many fine races are not represented in the Army is a matter for regret, but financial considerations forbid further expansion.

My amendment is intended to emphasise the principle which is accepted in all armies. This is, that every effort should be made to ensure that the officers and men of each unit belong to one class that

[Mr. W. C. Renouf.]

they have the bond of common nationality or of religion or of home; for the spirit which is engendered by this common bond is of priceless value in the hour of trial. To this end, in England, we have Scotch, Irish, Welsh, County and City regiments; and, in India, we have never swerved from this principle in giving commissions to Indian officers. It is surely obvious that Sikhs, Muhammadans, Gurkhas, Dogras, Jats, Rajputs, Garwalis and Mahrattas will be most contented and, in fact, will only be contented, and will do best, when led by men of their own class. In my opinion, Sir, in giving commissions to Indians, unless considerations of efficiency are to be disregarded, it will be found that there is very little opportunity for the employment in the Indian Army of Indian officers of different classes or tribes from the men whom they have to command.

It has been my good fortune to serve in India among the martial classes of the Punjab which make such a large and honourable contribution to the strength of the Indian Army. I know how they and their communities regard the selections which have been made up to the present for cadetships at Sandhurst. Only a small proportion of the cadets have been from the classes that man the Army. I have heard strong expressions of intense disappointment on all sides. It is these communities that have placed the military reputation of India where it is to-day. They feel that, if it was a grievance that Indians did not receive King's Commissions, the grievance was mainly theirs and that these Commissions, when they are made available, should be given mainly to them.

In giving King's Commissions to Indians, I would first of all strongly urge that the claims of officers now serving in the Army should receive full consideration. Some of these hold what is known as 'direct commissions' but the majority have gained their promotion from the ranks through their own merit and gallantry. We know that these are men of proved military ability and that they command the confidence of the rank and file.

Sir, in the past, the Indian sepoy has always had the knowledge and the inspiration that he is eligible for the highest military rank open to Indians. Let us not deprive the Indian soldier of that most vital part of his equipment, the commission which he carries in his knapsack. Perhaps some day it will be a field-marshal's baton.

It cannot be conceived that the Army would remain contented if they were deprived of this splendid stimulus. Failure to recognise this would have a very adverse influence on recruiting. I say this with considerable personal experience of recruiting. My district, Rawalpindi, produced 8,000 recruits during the first seven months of the war, but if these men had felt that they were to serve under Indian officers of different communities, I am confident that the majority of them would not have come forward. I cannot conceive that proud and jealous races, conscious of what they have done in the past, will come forward as recruits for the army if they are under a sense of material wrong as regards access to the higher ranks of the army.

I purposely suggest no proportion for commissions by promotion, for at present, the number is limited, unfortunately, by considerations of education. This is a disability which will, however, disappear in process of time.

Proceeding to the question of cadetships, I would recommend that the principle should be accepted that the large majority of these cadetships should be reserved for what are known as the martial classes. And I say with confidence that the landed gentry and other prominent members of the martial

communities, and the sons of Indian officers, will offer an admirable field of selection. My proposal will perhaps satisfy the reasonable claims and expectations of the men of the regular Indian Army, and it will also provide for substantial opportunities for young men of other communities.

My remarks have been with reference to the Regular Army. In the Auxiliary or Territorial Army, there would presumably be no need for restrictions for the Territorial Army would be open to all.

Sir, the people of India are justly proud of the achievements of their Army, and in dealing with the question of preferment which we are now considering, I would ask the people of India and I would ask the Members of this Assembly, to consider in a generous and sympathetic spirit the sacrifices, the expectations and, I submit, the just claims of the men and of the communities who have brought so much honour to their Motherland. In so doing, they will be ensuring also the highest efficiency of the Army in future as a fighting machine and doing what is best in the special circumstances of the case. I would therefore ask the Members of this Assembly to give their united support to this amendment.

I can only regret that we have no Indian Members in this House who have actually served in the Indian Army. If we had, I am sure they would put forward arguments which would weigh greatly with you. In their absence, the Assembly has been placed at a great disadvantage.

**Rai Bahadur Bakshi Sohan Lal:** Sir, I beg to oppose the amendment, because to keep the commissioned ranks within certain classes is tantamount to frustrating the whole spirit of the Reforms which were introduced to improve not only our political but also our military status. If the amendment is accepted, many families who do not belong to certain classes, such as Rajputs, Jats, etc., will be debarred from the commissioned rank of the Army. For example, I may take my own family of Mahajans and Bunnias whose members have been serving in the Army since time immemorial under the Hindu Rajas, under the Sikh Government and under the British Government up to the present time. It would therefore not be just to restrict these ranks to certain classes only. They ought to be recruited according to the special circumstance of each family and not of each caste.

**Mr. Abul Kasem:** Sir, it is with great diffidence that I rise to speak on this amendment. I fully appreciate the feelings and the motive of the learned mover, but I regret I cannot support him. It lays down the principle that, in the matter of military appointments, some consideration, and favourable consideration, too, should be shown to those classes who supply the majority of the Army. The principle seems to be very reasonable indeed, but I submit, Sir, to this House that the question of representative employment, *i.e.*, of employment in the public services on the basis of classes and communities, in the civil services is bad enough, and to introduce it into the military service, I think, will neither be wise nor desirable. The military authorities, when making these appointments, will certainly take into consideration the qualifications of various candidates, and in considering the claims of candidates for a military appointment, naturally the martial races will come in for a larger share than others. Sir, I come from the Province of Bengal, and I admit that my Province has not supplied many soldiers to the Army, but that is not our fault so much as our misfortune.

We supplied and maintained our own army in olden times; but the British Government found it more profitable and more desirable to employ our intellect and not our arms, and so we were employed for civil purposes

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rather than for military use. But, will that be a reason, Sir, to deprive the people of my province, the candidates from my province, of the opportunity to serve in the Army, if they want to do so, and if the Army authorities who make the choice find them suitable and desirable, simply because the general body of the Army does not contain many Bengalees? I beg, Sir, that the Honourable Mover will think it proper to withdraw it; because in these days of Indian nationalism, when the whole question of secular, communal and racial interests are in the melting pot for moulding an Indian Nation, any attempt to introduce racial and communal distinctions in the Army would only kill the Indian nationalism in its embryo.

**Khan Sahib Mirza Mohammad Ikramulla Khan:** Sir, I rise to support the amendment made by Mr. Renouf.

His object is that in selecting Indians for King's Commissions regard should be had particularly to the interests of the classes that supply the greater number of men to the Army.

Perhaps I may claim to represent one of those classes.

During the Indian Mutiny, my father Colonel Raja Ataullah Khan joined the British Army with his brother Sardar Bahadur Risaldar-Major Abdulla Khan at the head of 100 men, and was attached to the Regiment now called the 10th Lancers. He did meritorious services throughout the Mutiny and thereafter. He was present with his regiment in the Kabul and Abyssinian Wars.

My brother, Sardar Bahadur Ghulam Ahmed Khan, Risaldar-Major, 9th Lancers, saw service in Egypt and my son, Abdulla Khan, has been given a King's Commission and is a Lieutenant in the 29th Punjabis which is now serving at the Front.

If we keep before us the idea that whatever we do to Indianize the army it must not be at the expense of efficiency, for war, I think it is plain that we must for a long time to come look to get our Indian leaders from the classes with the greatest military traditions. I do not claim that these are the best traditions. The traditions of peaceful service may be equally noble, but for your leaders in war you want traditions of war, not traditions of peace.

There are numerous classes in the Indian Army from which to draw young officers to hold the King's Commission and by so drawing to make an efficient national Army.

If we do not get our young officers from those classes, the fighting efficiency of our Army will suffer. The great military qualities of courage, perseverance and endurance are the product of social heredity, of moral traditions: they are not to be learned in any school or from books.

Consider the lives of men of the fighting races throughout the world. The child in its mother's arms hears her sing to it songs of the bravery of its forefathers, it is brought up on tales of valour; when it goes to school it takes part in manly games very many of which mimic war. The child of our people who is to be trained for a King's Commission must undergo mental and physical preparation to fit him to go to Sandhurst. At Sandhurst he undergoes a life strenuous and exacting and if not judged in every way fit to become an officer he will not be commissioned. If he is honoured with the King's Commission it is then that the test of his soldierly qualities really

begins. It may be ten or fifteen years before he obtains the Command of a Company. During almost every day of that long time the constant drudgery of life in camps and barracks must be faced, and throughout every moment of that time he must drill and shoot and learn by exercises akin to war how to bear the hardship of war.

By taking part constantly in games such as polo and hunting and foot-ball he must keep himself bodily fit to face a foe. Should war come, he must lead his men : always he must be first where danger is, never behind his men, but always leading them. Only men born of forefathers who have led can do this.

I believe that only by taking very careful steps to ensure that none but the very best family men of the fighting classes of India get King's Commissions, shall we get in time a National Army capable of protecting us.

Ruin is before us if we attempt to Officer our Army with the sons of lawyers and shopkeepers and others who whatever may be their virtues, those virtues are not the iron virtues of our old martial classes.

**Colonel Sir Sydney Crookshank :** Sir, as one who had the pride and privilege to serve in the trenches of France with the Indian Army, not only with the cavalry but with the Sappers, perhaps I may be permitted to say a few words on this subject. It does not appear to me to be necessary to advance the amendment which my Honourable friend has just put forward, because the regimental officer does not stand alone in this matter. There are many other services, Engineers, Medical, Transportation, Supply and others, which go to form the whole of the Army. No doubt, it is conceivable that selections made for Commissions in the regimental ranks should be made from those officers of the Indian Army who already hold the Viceroy's Commission and who have proved their valour on service and their suitability otherwise, subject, of course to such educational qualifications as may be necessary. I think the House will admit that they have a proper call for the King's Commission, but, Sir, as I mentioned, there will be many other Commissions such for instance in my own service, the Engineer's and there will be no hard and fast necessity, in that service at any rate, to restrict the recruitment of officers solely to the martial classes from which the regimental officers would be drawn. There are, as I said, other branches of the service to fill the ranks, to which the communities of India at large could add their contribution. I therefore consider that since the field is so very wide, it is not necessary to define exactly to which classes and to which communities these commissions should necessarily be given.

**Sir Godfrey Fell :** Sir, I am about to adopt the unaccustomed rôle of a peace-maker, a rôle alien to what I have so far adopted to-day in this Assembly.

This is a very difficult problem, and Government can only look at it from one point of view, that is, how best can we make this great experiment a success. For it is a very great experiment this, an experiment which all India and the rest of the Empire are watching. What we want is to get Indian gentlemen into the Army with King's Commissions, and, having got them there, to encourage them to stay, to encourage them to become highly-trained and efficient officers and to rise to the highest places in His Majesty's army. This experiment, as the Assembly are aware, was begun during the great war. I think that everyone here will agree that Government was well advised at that time, in selecting the first batch of Indian candidates for King's Commissions, to give preference to youths of those races which had

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come forward most readily in the war. But Government has not, by any means, confined itself to those classes. We have taken for Sandhurst men of other classes who have not hitherto given many, or any, recruits to the war. I think that probably everyone in this Assembly can recall to mind cadets of that class. We have yet to see how the experiment succeeds, and until we have gained more experience, I do most earnestly deprecate any attempt to lay down a proportion, or to lay down that more should come from one class and less should come from another. Let us all approach this problem from one point of view only, how to make the experiment a success, how to get young Indian gentlemen who will get on well in the regiment, who will be the friends of their British brother-officers, serving with them on equal terms, and eventually adding new lustre to the position of India in the Empire.

I do hope the Assembly will not accept this amendment, though, believe me, Sir, from my long association with the Indian Army, I have very great sympathy with the point of view which has been put forward by the Mover. But I think it would be only right for this Assembly to trust Government to see that fair treatment is given to every class alike. That is the present intention of Government, and I ask the Assembly to leave it in Government's hands.

**Sirdar Gulab Singh:** I would say a few words, Sir, in support of the amendment by my Honourable friend Mr. Renouf. In all departments, especially in the military, discipline is simply necessary and greatly tends to invariably improve the efficiency of the forces. The nomination of Indian candidates as proposed by proportion will certainly help it. To officer a Muhammadan company by a Sikh or *vice versa* will prove a failure and may end in a tragic calamity. The class which does not supply to the strength of the army does not deserve to have any right for nomination of candidates for King's Commissions. The proportionate recruitment of officers will also attract general recruiting in the army to which the officers belong, which is unfortunately getting more difficult every day. Such a course has already been successfully resorted to in the army by offering Viceroy's Commissions on conditions of supplying a certain number of recruits in times of need.

In India of course, all communities being of equal status, cannot put up with ignoring the rights of one community in favour of others and the principle of fair field and no favour will prove always satisfactory in the long run, and therefore, those who supply soldiers should also get their proper share of King's Commissions.

The case of having a greater number of European officers is different, as their ability is generally admitted and has been above competition and jealousy.

I think that proportionate nominations to the King's Commissions will afford no cause of dissatisfaction to the Indian subjects as it is fair and business like, it will be agreeable to all. I trust the motion in question will be adopted.

**Bhai Man Singh:** Sir, at the very outset of the remarks, I am about to make, I should like to clear one misunderstanding which seems to have arisen and has been argued. It has been said that this Resolution bars

some communities from recruitment into the Army. I submit, Sir, that if we analyse the wordings of this Resolution we shall find that it does not mean that a man who does not belong to the present military classes should not be recruited in the Army. There is absolutely no ground for that idea in the Resolution itself. The scope of the Resolution is that those people who really supply the ranks with men should have their full share in the distribution of King's Commissions also. If there are classes who have not sent their men or who have not been anxious to send their representatives to the ranks of the Army, this Resolution does not say that they shall not be allowed to be recruited for the Army in future. If there are units raised from other classes, as my Honourable friend Bukshi Sohan Lal said, banias have always been in the military line, then if they choose to send their men to the ranks they will get a larger share of the King's Commissions. The only demand made in this Resolution is that in selecting the candidates full regard should be had to the interests of the communities that supply the greater number of men to the Army. When those communities, who have had no chances of joining the Army, be recruited, they will have a fair share in the King's Commissions. This Resolution does not bar them from being taken in the Army, and I think that nobody can say that it does. It does not altogether bar them from getting King's Commissions also. I think that any gentleman who has got any sense of justice would say that those who do not go into the ranks can have absolutely no claim or right to the King's Commissions as well. We are certainly prepared to send our men to the ranks and therefore we should get full share in the King's Commissions also.

Having cleared that misunderstanding I will now take the facts as they exist. The demand I put forward is that those communities which actually supply the ranks should also see that appointments in the higher commands are open to them. I may, by the way, add here that there can be no doubt about the first portion of the Resolution being accepted, that is to say, in giving full regard to the claims of those who already hold His Excellency the Viceroy's commission.

There has been no opposition to that and I hope there can be none. There have been objections taken to the other part. Now, I put it to any gentleman in these definite words and I hope the Honourable Members of this House will see the reasonableness of it. Certain classes have up till now been sending their men to the army. They have shed their life-blood in the fields of Egypt, the Soudan, Mesopotamia, France, Palestine and everywhere from the very beginning when they were getting about 7 or 8 rupees per month. Now, when the Government has recognised the right of Indians to get the King's Commissions, when the time for reaping the fruit comes, we are told 'No, my dear Sirs, there should be no class distinctions. Now, we have risen to the high pedestal of national unity and those who speak about the communities are sinning against the nationality ideas.' To them I submit, Sir : come forward with your men sometimes, give us your soldiers and then give us your captains too. Now that the time for reaping the fruit has come, we are told 'Never mind, if you have been fools and supplied soldiers.' We don't care about that. We are now all one—we are all Indians. Now that the time comes for the King's Commissions, let us share them equally. Why should you demand a special claim for those who have been shedding their blood ? Oh, excuse me, Sir, I as an honest man, as an Indian and as a Sikh, cannot see the justice of the argument for a moment.



[Bhai Man Singh.]

We are told this Resolution puts an axe to the roots of nationalism. These are not the actual words but that is the import. Now, Sir, I say that if communal distinctions do actually exist, if the framers of the reforms themselves had to admit the principle of communal representation, and now that we see that the principle of communal representation has to be recognised in civil employments; even in the constitution of this very Assembly,—there may be some exceptions, I cannot remember all the electorates—but most of the elected Members are elected either by the Muhammadan or non-Muhammadan or Sikh constituencies; well, Sir, I cannot see now that the question of the King's Commission comes, how with any fairness it could be said, that we should neglect this principle altogether because we are on the road to national unity. My dear Sirs, my Honourable friends, you will see that there is absolutely no use in denying the actual facts as they exist. Facts are facts, and no logic, no talk of high ideals can make them otherwise and if they are ignored, they are ignored at our peril.

It reminds me of a well-known story of the pigeon and the cat. They say when the cat comes, the pigeon shuts his eyes, he sits like this with closed eyes, thereby meaning that the cat does not exist because he does not see her. But that does not make the cat non-existent. The cat does come and pounces upon the pigeon and eats him up. Now, if we actually see that communal differences do exist in the sentiments of the people, I cannot understand how we can so let them be neglected. And then of course, if we do, we are bound to suffer the consequences. We know that in the army the communal distinctions, communal sentiments, are much more strong than in the civil departments.

I know some of the distinctions that have been made and that have sometimes given some trouble to the officers such as the differences of *Majha* and *Malwa* and in reference to Sikh or Muhammadan or Pathan, every military officer who had to deal with the Punjab armies will bear me out. Well, if that had been the cases where a Subadar-Major who is commanding in a certain unit, but who does not himself belong to the same class as the ranks has been shot down, how can we neglect such sentiments?

I know there has been a case of that sort. Well if I mistake not, it was the case of Sardar Bulwant Singh of 23rd Sikh Pioneers. My Honourable friend S. Gajjan Singh tells me another case of Sardar Pritam Singh. Under these circumstances, I cannot understand how if 10 Pathan Units or 5 Companies are put under sikhs or *vice versa*, they would obey them as they would their own men. Surely jealousies must come in, and the communal differences must influence the discipline of the army.

I might here state that discipline and contentment in the army are the first two things that should be looked to. If the army is discontented on the score that their men are not given a chance to get the King's Commissions to the extent they deserve, surely that would be a bad thing. If similar incidents as those of Sardar Bulwant Singh and Sardar Pritam Singh occur, they would be still more sad. I would draw the attention of the House to these facts and I would request this Honourable House not to be guided by some airy idealism and believe that we have achieved the higher ideals of nationalism that all these things are in the hotch pot, and that people in the army are thinking themselves one in the army and they do not mind if they are governed by this man or that man.

The third argument that has been brought forward against this amendment was that the selecting authorities will themselves look to the rights of the military classes. I say, Sir, why should we not provide for a thing which is just? Why should we shrink from doing justice ourselves? We should harm no one if we make a provision that justice should be done to them and they should get their due share in the King's Commissions.

I may add, that some of the military classes are not satisfied with the share that they have up till now got in the King's Commissions. It is a fact which I know from my knowledge. That being the case, I do not see why we should say: 'leave this point to the selecting officer,' we have provided for 25 per cent. commissions for Indians; we have provided for educated middle classes; Honourable Members of this House will see that if there is a necessity, if certain Honourable gentlemen feel that the educated middle classes do not get their due share and that King's Commissions are given simply to the nobility and they then feel the necessity of making provision for the educated middle classes, then I cannot understand why the interests of the military classes also should not be safeguarded.

Those classes who have up till now supplied men to the military department have proved their worth and their valour in fields and in every other way.

There is absolutely no reason why, just as Sir Godfrey Fell said, while we try this experiment we should not try it with tried men. I think it must be rather hazardous to try the experiment with those men who in actual practical work have not shown themselves up till now. You want that the experiment that Indians should be given commissions should prove a success. If this experiment is to prove a success, surely the military classes are the best possible candidates for making that experiment with. Times are gone when it could be said that education should be the first test because I dare say that the military classes can supply as well educated men as any other community. With these remarks I strongly urge my Honourable friends to vote in favour of the amendment.

**Mr. S. C. Shahani :** Sir, I rise to oppose the amendment as strongly as I possibly can. I am not at all surprised at the mental attitude of Mr. Gulab Singh or of Bhai Man Singh. They are my fellow-Sikhs whom I know. The Sikhs have played an important part in the military history of India, and are justly described as proud and martial. Most of the Sikhs would like naturally to be officered by men of their own community. But I rise to point out that in this matter there is a feeling of prejudice on the part of the Sikh community and that, if there be men available from other communities who can lead them better by reason of superior genius or training, the Sikhs should be trained to think that those officers should be preferred to men of their own community.

I am certainly surprised at the mental attitude of my Honourable friend Mr. Renouf. I wonder if he has contemplated the results which will accrue if the position that he has taken up is pushed to its logical conclusion. Will the proud men of India, who are very proud indeed of their ancient civilisation, if his argument is accepted, endure the idea of Europeans officering the Indian regiments? No. He himself should for the sake of consistency come forward and say that European officers should not be tolerated then in Indian regiments. But I am not for the principle underlying

[Mr. S. C. Shahani.]

Mr. Renouf's position. I am for the principle of the recognition of ability. If Europeans can show superior ability then Indians should have no objection, absolutely none, to Europeans being appointed to Indian regiments. It is imperative at this stage especially that while we should tolerate sectional prejudices with a view to secure efficiency in the parts constituting the British Empire, we should bear in mind that we have to educate ourselves for participation in the central life of the Empire to which we belong. If we confine ourselves to our own communities we may attain to a certain efficiency, but that efficiency will be efficiency of a very limited kind. The Sikhs, or the Muhammadans or the Gurkhas must, in course of time, realise that by admitting men of real merit to their own regiments and consenting to be officered by them whenever necessary they will have their efficiency raised to a considerable extent. On these grounds I oppose the amendment most strongly and I trust that Mr. Renouf will see his way to withdraw it.

**Sardar Gajjan Singh :** As a representative of the great martial race of the Punjab, I think it is my duty to lay a few observations before this Honourable House, which I hope will enable them to form a correct opinion about the situation. We all know that the military occupation is an occupation which is full of dangers and full of difficulties. In battlefields you have to sacrifice your life. You have to maintain the tradition of your race, you have to maintain the tradition of your family. It is for that reason that I very strongly support this amendment. Now, Sir, of course at the outset I am quite prepared to admit that communal differentiation is a necessary evil, but it must be admitted that we are not yet ripe to free ourselves from it. Suppose, Sir, there is a Sikh regiment which is officered by a non-Sikh. There is no community of interest except duty only. If a Sikh were to lead them they will say, 'Oh, the honour of the race is at stake ! There is a leader and we have to follow him'. To many of them he will be related. To many of them he will be friendly. To many of them he will be very dear and near. It is for that reason that even now the formation of the Indian Army is based upon national considerations, upon communal considerations. As far as I know, there is not a single Indian regiment, except perhaps a few exclusively Sikh regiments, which is not maintained on a communal basis and which is not officered by its own men. So I want to push this point to its logical end, and for the King's Commission too, and I say to my Bengal friends and to my friends from other presidencies who have no military traditions, that it is not our fault if for a long time they did not care for careers which were not lucrative. For a long time we have taken to the profession of arms not because it was lucrative, but because it was thought to be more honourable. We have proved our worth on many a battlefield, and this fact I am sure will be admitted. We do not grudge the various commissions which are open to my Bengal friends and to my friends from the other presidencies, to hold which I must admit we are not yet sufficiently qualified. I see no reason why in this particular branch in which we have got admittedly more experienced military traditions, we should not be encouraged. During the great German war, I am free to state, that many new communities began to send recruits which previously did not contribute to recruiting, and I think it is a fact that many new sources of recruiting entirely failed. So, even from the Government point of view, from the national point of view, it is absolutely necessary that we should draw these military officers from the classes which have already

proved their worth. Now, it will not be to the good of India if any Lieutenant is recruited from a class which has not furnished a single recruit to the Army. In the military class, whether they are Hindus or Muhammadans or whether they are Bengalis, Madrasis or Punjabis, I make no distinction. I am sure they would not hesitate to sacrifice their lives in the battlefield to maintain the traditions of the service and to maintain the traditions of the country. The same, I am afraid, cannot be true of those persons who have never seen military service, who have never seen the danger ahead. I will therefore humbly beg the House not to enter into spheres which are untried for the present at least. Let the experiment, as the Government of India has told us, be tried and tried successfully. Then, I assure you, there will be no objection, at least so far as we are concerned, if those persons who are otherwise qualified and fit to serve as Lieutenants and so on are freely admitted, but in the interests of India, in the interests of the success of the experiment, it is absolutely necessary that only tried classes are taken. That is in the interests of each and everybody. There is absolutely no doubt that, if this suggestion, is not followed, there will be great disappointment, there will be great resentment in the Army. Everybody will say, as my learned friend Bhai Man Singh has pointed out, that, when the time for promotion and higher aspirations came, we were left behind and another gentleman was taken in simply for the reason that he was an M. A. or a B. A. I beg the House not to consider that I am not in favour of English qualifications. I am strongly of opinion that even from the military classes only those men should be selected who are otherwise fitted, and I am sure that the Military Department will take pretty good care not to select anybody who does not fulfil the test of efficiency. I beg to inform the House that in the great war for 4½ years I devoted almost all my time to recruiting. I raised from my district some 18,000 strong, and the House will be glad to learn that the men of my district won the largest number of distinctions on the battlefield, the largest in the Punjab, the largest in India. We could beat even Rawalpindi and Jhelum whose recruiting strength was double ours. I can speak with personal experience when I say that nothing will appeal to the military classes, nothing will encourage the military classes, more than their admission, which is offered now after a great deal of hesitation by Government, to King's Commissions. I ask, where is the reason then that we from the Ludhiana district could win distinctions higher than any other district in India? Simply for the reason that we had military traditions behind us. Just in the same manner as Raja Ikramullah Khan has told you, I can say all my kith and kin not by hundreds, but by thousands, because I belong to a family which is proud to possess about 50 villages in one place, were in the Army. They sacrificed their lives very willingly and maintained the traditions of the Sikhs. My grandfather offered his services voluntarily in the Mutiny and was in Delhi under General Nicholson. Similarly, such instances can be multiplied: There is absolutely no doubt that I take a personal interest in these matters, but my personal interest is not based upon any selfish motives. It is based upon the motives which, in my opinion, go to make the experiment a success. There have been cases, as my friend Bhai Man Singh has pointed out, even in Sikh regiments where there were Mazhabi Sikhs and Jat Sikhs, there is trouble and two officers, who were personal friends of mine, very brave and gallant officers indeed, were shot dead by the Mazhabi Sikhs. So, communal ties and communal prejudices are very strong in the minds of military persons and you cannot ignore them. As I said, I am strongly for, as

[Sardar Gajjan Singh.]

strongly for, nationalism as anyone else. But we cannot ignore the existing facts. What does the constitution of this House say? Muhammadans all over India have got special communal representation. In the Punjab they have got communal representation. Something was said by my Honourable friend Mr. Shahani that, why don't we resent British officers? I say that all this military training and all this military tradition, which of course at one time we possessed, have been taught by the British military officers. They have organised the Army. Therefore, it is perfectly clear that nobody, none of us—I mean to say none of the military classes—resents that there should be British officers. I would remind the House that you want good leaders of men, and good leaders, from the military point of view, are leaders who are prepared to sacrifice everything in this world—their lives, if need be—in the interests of their country.

As the Army is at present constituted, I strongly support the amendment which has been proposed by an officer who has no personal interest himself in the matter. He has advanced the case of the military classes in a most sober, just and equitable manner, and I would beg the House to accord their support to the military classes who, up to this time, I most respectfully beg to bring to the notice of this House, have been defending their hearths and homes.

**The Honourable the President:** I think we have now reached a point where we can have a decision.

**Mr. W. C. Renouf:** I would like to reply, Sir.

**The Honourable the President:** There is no right of reply in the case of an amendment.

The question is, that the question be now put.

The motion was adopted.

**The Honourable the President:** The question is, that the amendment be made.

The Assembly divided as follows:

AYES—30.

Ayyar, Mr. T. V. Seshagiri.  
Bagde, Mr. K. G.  
Carter, Sir Frank.  
Das, Babu Braja Sundar.  
Dentith, Mr. A. W.  
Gajjan Singh, Mr.  
Gidney, Lieutenant-Colonel H. A. J.  
Gulab Singh, Sardar.  
Ikramullah Khan, Mr. Mirza Md.  
Kabraji, Mr. J. K. N.  
Keith, Mr. W. J.  
Latthe, Mr. A. B.  
Majid, Sheikh Abdul.  
Man Singh, Bhai.  
Maw, Mr. W. N.

McCarthy, Mr. Frank.  
Muhammad Hussain, Mr. T.  
Muhammad Ismail, Mr. S.  
Nabi Hadi, Mr.  
Percival, Mr. P. E.  
Pickford, Mr. A. D.  
Rao, Mr. P. V. Srinivasa.  
Reddiyar, Mr. M. K.  
Renouf, Mr. W. C.  
Sarfaraz Hussain Khan, Mr.  
Shahab-ud-Din, Chaudhuri.  
Singh, Mr. B. P.  
Spry, Mr. H. E.  
Subzposh, Mr. S. M. Zahid Ali.  
Wild, Mr. C. E.

NOES—29.

Abul Kasem, Mr.  
Afsar-ul-Mulk Akram Hussain,  
Prince.  
Ahmed, Mr. Zahir-ud-din.  
Asjad-ul-lah, Maulvi Miyan.  
Aiyer, Sir Sivaswamy.  
Bajpai, Mr. S. P.  
Bhargava, Mr. J.  
Bishambhar Nath, Mr.  
Chaudhuri, Mr. J.  
Dass, Pandit R. K.  
Dwarkanadas, Mr. J.  
Faiyaz Khan, Mr. Muhammad.  
Gour, Dr. H. S.  
Habibullah, Mr. Muhammad.

Hussanally, Mr. W. M.  
Iswar Saran, Mr.  
Jatkar, Mr. B. H. R.  
Joshi, Mr. N. M.  
Lakshmi Narayan Lal, Mr.  
Mitter, Mr. D. K.  
Misra, Mr. Pyari Lal.  
Nag, Mr. Girish Chandra.  
Neogy, Babu K. C.  
Pyari Lal, Mr.  
Samarthi, Mr. N. M.  
Shahani, Mr. S. C.  
Sincar, Mr. N. C.  
Sohan Lal, Mr.  
Vishandas, Mr. H.

The motion was adopted.

**Munshi Iswar Saran :** Sir, I beg to move :

‘that in clauses (b) for the concluding words ‘to start with’, the words ‘in the first year and in increasing proportion in subsequent years’ be substituted’.

Sir, what I submit is that the time has come when Government should make up its mind to grant commissions on a large and liberal scale. I do not for a moment wish to say to whom commissions should be granted, whether to the martial classes or to Indians in general. My object in moving this amendment is that, to whatever class these commissions might go, they should go in large and increasing numbers. Now, in answer to a question put in this Assembly, Sir Godfrey Fell told us that the total number of officers holding His Majesty's commission belonging both to the British and Indian services, and excluding the Royal Air Force and the Auxiliary Forces, was approximately 8,890. In answer to another question put in this Assembly Sir Godfrey Fell told us that altogether 25 cadetships have been awarded to Indian gentlemen in the past two years. Now, Sir, I submit that this is extremely unsatisfactory.

In the Resolution as put forward by Sir Sivaswamy it is said that not less than 25 per cent. of the King's commissions should be granted to Indians. I suggest that in the first year it should be 25 per cent. but in subsequent years it ought to be in increasing proportion. I do not say anything about the increase to be; I only ask the House to express its view that in the years subsequent to the first year the percentage ought to be increased. For, if in the past two years they have been able to give us only 25 cadetships, I submit the Assembly will be perfectly justified in getting an expression of opinion on behalf of this Assembly as to the proportion of the commissions that has to come to Indians. It will be said that there are difficulties in finding suitable men. In answer to a question this is what Sir Godfrey Fell told us. With the permission of the House, I shall read the answer :

‘Examinations for admissions to the Royal Military College are held half-yearly in India and on each occasion 5 vacancies are allotted. Up to date five such examinations have been held; altogether 99 candidates have been nominated for these examinations. Of these 99, 19 have been accepted and proceeded to the Royal Military College, 29 were rejected on the ground that they were not educationally qualified, 19 were rejected as physically unfit, 5 were below or above the age-limit, 5 failed to pass the oral test and 8 were considered to be generally unsuitable’.

In this manner, out of 99 they got only 19. In addition to the 19 candidates selected in India, 6 were nominated by the Secretary of State from

[Munshi Iswar Saran.]

among young Indian gentlemen attending public schools in England. So, if the Secretary of State for India had not made these 6 nominations, according to the test laid down by the Government of India, out of 99 we would have got only 19 cadetships in the past two years.

I submit, Sir, that this must change, and the Assembly must express its view strongly in favour of it. I shall say only a word or two more. Indians do feel that there should be larger association of Indians in the administration of the Army in India. Having regard to the declaration of August 1917, and having regard to the pronouncements made by His Most Gracious Majesty the King himself, it is necessary that the right of Indians to higher ranks in the Army should be recognised in a spirit of justice, and may I say also liberality. Sir, I do not wish to conceal from this House that there are not a few, on the contrary there are many, Indians who really dream of the day when the Army Department will be thoroughly Indianised as other departments are being Indianised. So I submit it is necessary for the fulfilment of our aspirations that the Army should be Indianised and its administration put on an Indian basis. I therefore move the amendment which stands in my name.

**Sir Godfrey Fell :** I much regret to find myself once more compelled to oppose an amendment proposed by my Honourable friend Munshi Iswar Saran. I do not think there is really any very great difference of opinion between us in this matter. The actual words he uses in his amendment are 'in increasing proportion'. Now, the Assembly has already been informed that it is the policy of the Government of India to give more commissions to Indians, if and when the experiment has proved successful. What I do deprecate is attempting to decide this matter on a proportionate basis, or on a basis of percentage. As I said just now, when speaking on a previous amendment to this Resolution, this is a very great experiment, and the Government of India are anxious to make it a success. It is just because the Government of India are so anxious to make it a success that they wish to proceed prudently and cautiously in this matter. In the case of the Civil Services there is no very great risk about Indianising the administration. I wish at once to guard myself against the accusation that I am suggesting that an Indian in any civil department is in any way necessarily inferior to the Englishman. That is not my intention at all; but what I do mean is this that if you put Indians into a civil department, such as the Indian Civil Service or the Forest Department or the Education Department, and one of them fails, no very great harm is done. Now, it is a totally different matter when you come to deal with the Army. The first quality we require of our officers is the quality of leadership. The Honourable Member who has moved this amendment spoke of hoping to see large numbers of Indians engaged in the administration of the Army. The first function of a soldier is not the administration of the Army; his first function is to fight. It is only in the acid test of war that we can prove whether or not these young Indian officers are going to be a success. We have no reason to believe that they will not; we have every reason to hope that they will be a success. But any failure must react upon the whole. A battalion is part of a corporate whole of the brigade, a brigade is part of a division, a division of a corps, and a corps of an Army. Similarly, within the battalion, the platoon is an integral part of the corporate body, and so is the company. Now just as a bolt or a nut which breaks or gets loose may throw out of gear, or

out of use altogether, the delicate mechanism of a motor-car, so the failure of any one part of this corporate whole may lead to disaster overtaking the remainder. It is for that reason that we must be perfectly sure that every joint in our armour is tried, and that every individual officer is fully equal to the responsibility he has to bear.

War is a game played for very high stakes, and the counters are the lives of men. We can take no risks where the lives of men are concerned. We are all hoping that these young Indian officers will acquit themselves well, but we have yet to learn whether the Indian sepoy will readily respond to their leadership. We have yet to learn how that splendid class of men—our Indian officers—will care to serve under these young Indian King's commissioned officers—all beginners in the art of war, who will be placed in command over those veterans. We have yet to learn how, in Lord Kitchener's words, these young officers 'will bear the hard, dull work in peace, without which efficiency cannot be attained'. And, again in Lord Kitchener's words, we have yet to learn whether they are prepared to share in the drudgery as well as the rewards which fall to the lot of the British officer. The Government of India aim, as I have already said, at giving more and more of these commissions to Indians, if and when the experiment proves a success; and I do earnestly beg the Assembly not to attempt to tie the hands of Government by laying down as a maxim that there must be an increasing proportion given every year.

With these words, Sir, I oppose this amendment.

The amendment was negatived.

The Resolution\*, as amended, was adopted.

#### RESOLUTION No. 8.

**The Honourable the President:** The Resolution moved is that:

\* This Assembly recommends to the Governor General in Council:

(a) That adequate facilities should be provided in India for the preliminary training of Indians to fit them to enter the Royal Military College, Sandhurst.

(b) That the desirability of establishing in India a Military College, such as Sandhurst, should be kept in view.\*

Does Munshi Iswar Saran wish to move his amendment? I may suggest to Honourable Members who have amendments on the paper that it is very desirable that the complete judgment of the Assembly on these Resolutions should be had, and it can only be had by sitting late to-night and therefore the measure of their eloquence will have to be restricted.

\*i.e., Sir Sivaswamy Aiyer's motion No. 7, as amended:

\* This Assembly recommends to the Governor General in Council:

(a) That the King-Emperor's Indian subjects should be freely admitted to all arms of His Majesty's military, naval, and air forces in India and the ancillary services and the auxiliary forces, that every encouragement should be given to Indians including the educated middle classes subject to the prescribed standards of fitness, to enter the commissioned ranks of the Army and that, in nominating candidates for the entrance examination, unofficial Indians should be associated with the nominating authority, and in granting King's Commissions, after giving full regard to the claims to promotion of officers of the Indian Army who already hold the commission of His Excellency the Viceroy, the rest of the commissions granted should be given to cadets trained at Sandhurst. The general rule in selecting candidates for this training should be that the large majority of the selections should be from the communities which furnish recruits, and, as far as possible in proportion to the numbers in which they furnish such recruits.\*

(b) That not less than 25 per cent. of the King's commissions granted every year should be given to His Majesty's Indian subjects to start with.



**Munshi Iswar Sara n :** Sir, my amendment is as follows :

\* That for clause (b) the following clause be substituted :

‘ (b) That as soon as funds be available, steps should be taken to establish in India a Military College, such as Sandhurst, and the desirability of establishing in India training and educational institutions for other branches of the Army should be steadily kept in view.’

Sir, after that gentle hint from the Chair, I shall be as brief as possible. In the Resolution itself as moved by Sir Sivaswamy Aiyer there is a reference to the establishment in India of a Military College. I have only made it stronger in my amendment, and what I have said further is that the desirability of establishing other educational institutions for other branches of the Army ought to be kept in view. What I submit is that it is absolutely necessary that India should be able to give first-rate education to her sons in all departments, civil as well as military. The College at Sandhurst is a most excellent College, and it is possible that we may not be able for some time to approach its high standard, but that is no reason why an honest effort should not be made in India to make a beginning. I therefore move this amendment.

**The Honourable the President :** The original question was :

\* This Assembly recommends to the Governor General in Council :

(a) That adequate facilities should be provided in India for the preliminary training of Indians to fit them to enter the Royal Military College, Sandhurst.

(b) That the desirability of establishing in India a Military College, such as Sandhurst, should be kept in view.’

since which an amendment has been moved:

\* That for clause (b) the following clause be substituted :

‘ (b) That as soon as funds be available, steps should be taken to establish in India a Military College, such as Sandhurst, and the desirability of establishing in India training and educational institutions for other branches of the Army should be steadily kept in view.’

The question I have to put is, that that amendment be made.

The amendment was adopted.

**The Honourable the President :** The question is, that the Resolution, as amended, be adopted.

**His Excellency the Commander-in-Chief :** Sir, I rise to say one or two brief words in reference to this Resolution particularly with regard to (a), namely, that adequate facilities should be provided in India for the preliminary training of Indians to fit them to enter the Royal Military College, Sandhurst. It is a proposal which has my entire sympathy. Only some few weeks ago I was going into the question, and I hope that before very long, in the neighbourhood of Dehra Dun, we shall be able to establish a college on the lines indicated. It is very desirable to give young Indians every possible facility to train themselves and to get their education, particularly the sons of those Indian officers in our Indian regiments who cannot afford the higher expensive education. We shall be able to afford them facilities for educating their sons and enabling them to compete for Sandhurst. And I hope that at no very distant date, funds can be made available—though at the present moment they are not very plentiful—and that we shall be able to establish a College on these lines as suggested in the Resolution. For that reason, we accept the Resolution.

**The Honourable the President:** The question is, that the Resolution, as amended, be adopted.

The motion was adopted.

#### RESOLUTION No. 9.

**The Honourable the President:** Resolution moved—

‘This Assembly recommends to the Governor General in Council that, in the interests of economy and in view of the likelihood of the growth of the Indian element in the commissioned ranks, it is essential that before vested interests arise, the pay of all commissioned ranks in all branches of the army should be fixed on an Indian basis with an overseas allowance in the case of British officers and with a similar allowance for Indian officers holding the King’s Commission, when serving overseas’.

**Sir Godfrey Fell:** Sir, I beg to say that Government are quite prepared to accept this Resolution.

The Resolution was adopted.

#### RESOLUTION No. 10.

**The Honourable the President:** Resolution moved—

‘This Assembly recommends to the Governor-General in Council that, in view of the need for the preparation of India to undertake the burden of self-defence and in the interests of economy, it is essential that a serious effort should be made :

- (a) To organise and encourage the formation of an adequate territorial force on attractive conditions.
- (b) To introduce in the Indian Army a system of short colour service followed by a few years in the reserve.
- (c) To carry out a gradual and prudent reduction of the ratio of the British to the Indian troops.’

**His Excellency the Commander-in-Chief:** As regards (a) and (b) we are prepared to accept the Resolution. But as regards (c), that is, ‘to carry out a gradual and prudent reduction of the ratio of the British to the Indian troops’, I do not think, the Honourable Members quite realise what the ratio really means. In former years, I think it was the year 1893 that the general ratio of average was fixed for the whole of the military forces of India, at 1 British to every 2·5 Indian Soldiers. Since those days, the whole organisation of the army has been changed, and as I told some Members who did me the honour of coming to tea with me some weeks ago, the Army to-day is divided into *First*, the Field Army which we look to to cross the Frontier in case of necessity and to assume the offensive, defensive on our North-West Frontier, and *secondly*, it is composed of the Covering Troops, which we maintain on the Frontier to keep in order the turbulent tribes which unfortunately live there, and *thirdly*, of troops for internal security, that is to say, for the maintenance of peace and good order within the boundaries of India. The proportion as between British and Indian troops varies in each of these three categories as my Honourable friends can well understand. That is to say, for those troops which are required for Field Army, we have the experience of the great war to tell us what is the most efficient proportion between Indian and British troops required for field operations against an enemy less formidable than a first class European Power, and that proportion based on the experience of war is 1 British soldier to every 2·7 Indian soldiers, and that is the proportion that now exists in our Field Army. For the Covering Forces which has only to deal with the Frontier tribes, tribes which are not yet furnished either with artillery

[H. E. the Commander-in-Chief.]

or machine guns, the proportion, can be very greatly reduced, and for the 12½ brigades of Covering Troops, the proportion between British and Indian soldier is 1 to 6·7. It has a very much higher proportion of Indian troops. When we come to internal security, on the other hand, where troops are required to deal with, religious differences, with riots as they are taking place at the present moment unfortunately in Lahore area, it is most necessary to have a higher proportion of British troops, because it is recognised, particularly by the civil authorities, that troops other than Indian troops are the more reliable and the trustworthy to intervene in questions like religious troubles and internal disorders. Therefore, the proportion in the Internal Security Troops is much higher but the whole thing works out in the general average on the whole—as not very different from that which was originally laid down in 1893. The broad proportion, exclusive of the Reserves which we now have, comes to 1 British to 2·42 Indians, and if the Reserves are included, it comes to 2·56 Indians. Therefore, there has not been very much change, taking the thing broadly as a whole, since 1893.

In these few remarks I hope I have explained to the House more or less what the present situation is.

The Resolution was adopted.

#### RESOLUTION No. 11.

**The Honourable the President :** The question is :

‘ This Assembly recommends to the Governor General in Council that officers in the Indian Territorial force should have the rank of 2nd-Lieutenant, Lieutenant, or higher rank, as the case may be, and that no distinction should be made between the Indian territorial force and Indian auxiliary force in respect of the authority which signs the Commissions, and that officers in these two forces should take rank *inter se* according to dates of appointment. ’

**Sir Godfrey Feil :** The Government of India are prepared to accept this Resolution.

The Resolution was adopted.

#### RESOLUTION No. 12.

**The Honourable the President :** The question is :

‘ This Assembly recommends to the Governor General in Council that no proposals for interchange of officers between the British and Indian Services should be carried out unless the following conditions are satisfied :

- (a) That the cost to Indian revenues should not be thereby appreciably increased.
- (b) That such proposal should not be allowed to interfere with a steady expansion in the proportion of King's Commission thrown open to Indians in the Indian Army.
- (c) That the interchange of British officers should, in no way, affect the control of the Government of India over the entire Army in India. ’

**Sir Godfrey Fell :** The Government of India are also prepared to accept this Resolution.

The Resolution was adopted.

RESOLUTION No. 13.

**The Honourable the President :** The question is :

'This Assembly recommends to the Governor General in Council that having regard to the creation of two additional Commands in India the Government of India do consider the expediency of reducing the size of the administrative staff at Army Headquarters.'

**His Excellency the Commander-in-Chief :** This subject has already been engaging my very serious attention and already a certain number of reductions have been made in this direction. But it must be remembered that we have not yet really assumed the normal times of peace. Honourable Members must recollect that we are still clothing, feeding and supplying a very considerable number of troops abroad. Though we are not paying for them in Mesopotamia, more than 200,000 men, not all of them fighting soldiers of course, are being fed by us by our organisation, in Mesopotamia, to-day. For that purpose you will recognise that it is necessary to maintain a larger proportion of administrative services in this country than would otherwise be the case. The House may feel perfectly certain that, as soon as conditions will permit it, I shall do everything that I can to reduce the number of officers now engaged in the administrative machinery of the Army and especially at headquarters. I would point out that in comparison with the officers that were engaged in Army Headquarters before the war, the rise in numbers has not been as great at Army Headquarters in India as it has been at the War Office in England, and one of the lessons of the war is that it is economical, when war comes, to have a really efficient administrative system and not to have to make improvisations which are of all things the most expensive when war commences.

The Resolution was adopted.

RESOLUTION No. 14.

**The Honourable the President :** The question is :

'This Assembly recommends to the Governor General in Council that, as soon as the external and internal conditions of India permit, the Governor General in Council should, with the concurrence of the Secretary of State, appoint a Committee adequately representative of non-official Indian opinion for the purpose of examining and reporting upon :

- (a) The best method of giving effect to the natural rights and aspirations of the people of India to take an honourable part in the defence of their country and prepare the country for the attainment of full responsible government which has been declared to be the goal of British policy.
- (b) The financial capacity of India to bear the burden of military expenditure.
- (c) Her claim to equality of status and treatment with the Self-Governing Dominions, and
- (d) The methods of recruitment to the commissioned ranks of the Indian Army.'

**Rao Bahadur Srinivasa Rao Garu :** I beg leave, Sir, to move the amendment\* which stands in my name. I regret very much that I have to move the amendment at this late hour when the House is much thinner

\* (1) That for the words "as soon as the external and internal conditions of India permit" the word "immediately" be substituted; and

(2) That for clause (b) the following be substituted, namely :

'(b) the steps to be taken for gradual reduction of the military expenditure to 20 per cent. of the public expenditure as recommended by the League of Nations.'

[Rao Bahadur Srinivasa Rao Guru.]

than when we met this morning and when the tendency seems to be more to disperse than to sit here. I shall therefore content myself with taking up a few minutes of your valuable time. Sir, you will see that my amendment relates to the Resolution No. 41. I suggest that for the words 'as soon as the external and internal conditions of India permit' the word 'immediately' be substituted. The Honourable Mover of this Resolution has told us that these important subjects have not been considered by the Esher Committee. It is gratifying however that the Select Committee has realised the importance of these problems and has embodied them in this Resolution. There can be no doubt, Sir, that these are problems of vital importance to this country, and I may venture to say that upon the bold and fearless, proper and just solution, of these problems, depends not only the material and moral prosperity of the people but the contentment and happiness of the people, which constitute the best security for British rule in India and the best strength to fight out the Bolshevist forces referred to by the Honourable Mover of this Resolution. I shall but refer to the problems involved in clause (a) and clause (b). There is, so far as I know, no country on the face of the earth which has not a militia of its own in some form or other. India is the only unfortunate country that has none. The natural right of citizenship, soldiery, has been denied to the people of this country. It was said and it is said that this is due to the fact that there is no trust on the part of the Government in the people of the land. Whatever might have been the view of the Government in the past, there is absolutely no justification for any kind of mistrust after the war which has afforded ample proof that India can be trusted with any responsibility and after India has rightly received the admiration of the whole civilised world. Can such a question affecting the very national honour of the people of this land be shelved indefinitely in the manner in which the Resolution proposes?

The second subject which I refer to it is the question of the Military expenditure. It was felt in the past and it is still felt to-day that there is no knowing when this abnormal growth of military expenditure by leaps and bounds will stop or whether it will ever stop at all.

**The Honourable the President :** I think we had better take these two amendments separately ; they raise quite different points.

Amendment moved :

'That for the words 'as soon as the external and internal conditions of India permit' the word 'immediately' be substituted.'

**Sir Godfrey Fell :** Sir, I rise to oppose this amendment. I think I need only refer the Assembly to the very wise remarks, if I may say so, which were made upon this subject by Sir Sivaswamy Aiyer in his opening speech this morning. He pointed out what a peculiarly inopportune time the present is for the examination of this problem. If you were to appoint this Committee to examine the problem immediately, the probability is that the real issues would be obscured by what we all hope to be temporary causes, namely, the unsettled state of the world outside India, and, unfortunately, the unsettled state of internal India, I think, therefore, that the Committee which examined the Esher Committee's Report were very wise in inserting this provision 'as soon as the external and internal conditions of India permit'.

For this reason I strongly oppose the amendment. I would refer to one other point which fell from the Honourable Member. He complained that India has no militia of its own. Well Sir, the Government of India are doing everything in their power to remove this grievance. Rules for the creation of an Indian Territorial Force were published for criticism a fortnight ago, and as soon as they have been taken into consideration, the Territorial Force, we all hope, will become a living reality.

**Mr. Jamnadas Dwarkadas :** Sir, the Honourable the Mover of the amendment in the speech that he made said that there was an attempt on the part of the Mover of the Resolution to shelve the whole question of the appointment of a Committee. Now, if I may be permitted to do so, I may at once say to the House that it seems to me that there is nothing further from the intention of the Honourable the Mover of the Resolution than that this question of vital importance should be shelved at all. But I think I may draw the attention of the Honourable Mover of the amendment to the remarks that fell from my Honourable friend, Sir Sivaswami Aiyer when he moved the Resolution. Unfortunately my Honourable friend Mr. Seshagiri Aiyer—who I see is not here unfortunately and for whom I may say in passing I have the greatest regard and respect—referred to the remarks made by Sir Sivaswami Aiyer as inopportune and characterised them as a policy of nagging which in and out of season is pursued by some Members against non-cooperation. I take leave to differ from my friend Mr. Seshagiri Aiyer, and I take leave to submit that the remarks that he made were rather hasty and unnecessary.

Sir, my Honourable friend, Sir Sivaswami Aiyer has very candidly told us that while he believes that the establishment of a Committee of this character would be of the greatest importance and would have far-reaching effect in quickening the achievement of self-government by India, he regretted and he regretted from the bottom of his heart that the present circumstances of the country did not permit of the appointment of this Committee immediately. One could feel that my Honourable friend Sir Sivaswami Aiyer, in pointing out the dangers of the non-cooperation movement, was feeling and feeling very keenly that the existence of this movement, should deprive us of the opportunity of taking measures immediately which would lead ultimately and lead very quickly to our progress; and to interpret those remarks as coming out of an intention to go on nagging at the non-cooperators is, I think, not a true representation of facts. With all the force that I can command, Sir, I support the Resolution moved by Sir Sivaswami Aiyer.

The amendment was negatived.

(Cries of 'Withdraw'.)

**Rao Bahadur Srinavasa Rao Garu :** I withdraw the rest of my amendment as that is the sense of the House.

Amendment No. 42 was, by leave of the Assembly, withdrawn.

**Munshi Iswar Saran :** Sir, the amendment that stands in my name runs thus :

• That after clause (d) the following clauses be added : —

(e) The present strength of the Army in India ;

(f) The financial relation between England and India in regard to military matters ;

(g) The pay and the method of recruitment of the British and Indian soldiers.'

I submit, Sir, that whenever such a Committee is appointed by Government which will be adequately representative of non-official Indian opinion for the purpose not of coming to any decision, but only of examining and reporting,—these subjects which I have now mentioned in my amendment should be included among the subjects that will be examined and reported upon.

I think, Sir, having regard to the lateness of the hour it is not necessary for me to say much about my amendment. That there is a strong feeling on the subjects that I have mentioned there is no doubt about. Whether the feeling is right or wrong is another matter. But there is a strong feeling that the present strength of the army has to be reduced and must be reduced. Whether it is right or not is a matter, I think, that this Committee will be in a good position to examine and report upon. It is no valid objection to my position to say 'Oh; this is an army affair, and non-officials are not the proper persons to pronounce an opinion upon.' I quite realise that in matters of this kind the final word must be with the Army; but surely, responsible men, men of position, men who are thoroughly reliable and trustworthy might certainly be trusted to form a committee which would examine and report upon this question whether the present strength of the Army in India is sufficient or otherwise. In the same way, I submit that the financial relations between England and India in regard to military matters also require over-hauling; and it may be that after the examination of the subject this committee might be in a position to recommend that some other arrangement should be made. So also with regard to the last item, *viz.*, the pay and the method of recruitment of the British and Indian soldiers. I realise that British soldiers are recruited in England and that the Government of India has got nothing to do with it. But what I say is this, that in order to survey the whole situation and to have all the facts clearly before them, I submit no harm will be done if this committee on which non-official Indians will be represented goes into this question and makes a report upon it. It may be that after the report is received the Government of India may be inclined to move the authorities in England to make some other arrangement in regard to the pay and method of recruitment of British soldiers. I, therefore, submit that these are really matters which this committee, when appointed, should examine and report upon.

**Sir Godfrey Fell:** Sir, I regret once more to be unable to accept an amendment of my Honourable friend's and for the following reasons. The first additional subject which he wishes this non-official committee, when appointed, to examine and report upon is the present strength of the Army in India. Now the Honourable Member is aware, and the whole Assembly is aware, this question is about to be examined, first of all by a sub-committee of the Executive Council, before whom unofficial Indian witnesses will be called, and by whom unofficial Indian gentlemen will be taken into consultation and secondly by a sub-committee of the Committee of Imperial Defence at Home at its meeting this summer. Therefore, I submit that the matter will have been thoroughly examined before this Committee, which the main Resolution deals with, is appointed.

With regard to clause (f), the financial relations between England and India, I do not know what my Honourable friend has in his mind.

I can assure the Assembly, and I trust they will believe me, that at present India pays only for such armed forces as are required for its own purposes.

This Assembly has turned down to-day, unhesitatingly turned down, a proposal that the United Kingdom should pay a share of our military expenditure. The Honourable the Finance Member has assured the Assembly that the very strictest account is kept, and that the War Office is debited with any expenditure which can fairly be debited to them and should not be debited to us. So I see no object whatever in this committee examining the financial relations between England and India in regard to military matters.

As regards part (g) the pay and the method of recruitment of the British and Indian soldiers, with great respect I very much question whether the contemplated committee will be in a position to tender any very valuable advice to the Government. The pay of the British soldier is a matter, as I have explained to this Assembly before, to be settled by His Majesty's Government, who recruit them and lend them to India, and therefore no committee out here can effectively control the rate of pay granted to the British soldier; nor can they offer advice of any value about the best method of recruiting British soldiers in their own country. As regards the Indian soldiers, one of the main questions which was considered by the Esher Committee was the question of the pay of the Indian soldier. They have submitted their recommendations to the Government, and certain of their recommendations have been given effect to. I do not think that the contemplated committee is likely to arrive at any more tangible results than the Esher Committee, who devoted several months to the consideration of this one subject.

The amendment was negatived.

The Resolution was then adopted.

#### RESOLUTION No. 5.

The Resolution that :

'This Assembly recommends to the Governor General in Council that Anglo-Indians should be included in the terms 'Indian subjects' or 'Indians', whenever such terms occur in the above Resolutions.'

was adopted.

**Mr. N. M. Samarth:** Sir, I beg to move that :

'This Assembly expresses no opinion on such of the recommendations of the Report of the Esher Committee as have not been dealt with in the foregoing Resolutions'.

An Honourable Member says 'It is a truism'. Yes; it is a truism, but we have to add that because without any such qualifying clause some are likely to say that what the Assembly has not reported on, it has acquiesced in.

**Mr. K. G. Bagde:** I rise to a point of order, Sir. The amendment that is proposed to be moved cannot be an amendment to item No. 45 in to-day's agenda.

**The Honourable the President:** It is not an amendment, but it comes as a final Resolution.

**Mr. N. M. Samarth:** I do not think, Sir, I need add anything more to what I have said.

**Sir Godfrey Fell:** Sir, I earnestly trust that this Assembly will not pass this Resolution. I am indeed somewhat surprised that it has been moved. The Esher Committee's Report has been before the public since the beginning of October last. Every one in India has had the opportunity of studying it and forming an opinion on it. I am aware that many of its most virulent critics have not read it, in fact, one Honourable Member of this Assembly



was candid enough to inform me that he had freely criticized the Report for several months, without having read it and then, when he obtained a copy and read it, he found nothing in it to object to. I daresay there may be others in India in the same position as my Honourable friend. Not only has this Report been before the public, for several months, but the Government have been constantly pressed throughout this session to give this Assembly an opportunity of discussing it. Government have met the Assembly in every way possible. They telegraphed to the Secretary of State, and asked him to take no action on any of the recommendations of the Committee, until the Assembly had expressed their opinion on them. Then the Government permitted the Assembly to appoint a sub-committee to examine the Report. Now Sir, my Honourable friend the mover of this Resolution, was himself a member of that committee. If he had any criticisms to offer, in addition to the very numerous criticisms which were brought forward in the Committee in the form of Resolutions, many of which were still-born, he had ample opportunity for doing so then.

I ask this Assembly, is it generous, having criticised, having damned this report in every way that the ingenuity of my honourable friends could suggest, that they should turn round now and say,—‘As for the rest, we can express no opinion on it, it is probably bad.’ That is really the gist of his remarks. It is not in accordance with the traditional generosity of the Indian to take this line. Does the Assembly wish to say that there is nothing good in that report, that there are no recommendations in it which should be accepted? If anybody has any further criticisms to offer, he has had ample opportunity of doing so; and I am rather surprised that no one has got up and recommended that the remaining recommendations of the Esher Committee be approved by this Assembly. I beg this Assembly not to pass this amendment.

**Mr. N. M. Samarth:** I wish to make a personal explanation, Sir. The report was circulated here, and paragraph 3 of that report said, and Sir Godfrey Fell ought to know it:

‘The limited time at the disposal of the Committee has prevented them from going into the constitution of the medical services and the desirability or otherwise or the separation of the civil medical service from the Army medical service. The Committee are, therefore, unable to express any definite opinion on the proposals of the Esher Committee in this behalf.’

After this paragraph in express terms, surely I did not expect this outburst from Sir Godfrey Fell about generosity or anything of the kind and I will not imitate him in his language. I will only remind him of this paragraph which does not find a place in any of the Resolutions here. My Resolution asks that we do not express any opinion upon any matters which have not been dealt with in to-day’s Resolutions and I hope the House will pass my motion.

**Sir Godfrey Fell:** May I rise to explain, Sir? I was not talking about the period at the disposal of the Committee of the Assembly.

I am well aware of that paragraph in the Committee’s Report. I said that this Resolution deals with the opinion of this Assembly, and that the Esher Committee Report has been before the country since October last.

**The Honourable the President:** The question is, that that Resolution be adopted.

The motion was adopted.

The Assembly then adjourned till Tuesday, the 29th March 1921.

# LEGISLATIVE ASSEMBLY.

*Tuesday, 29th March, 1921.*

## PROROGATION OF THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY.

His Excellency the Viceroy having arrived in procession with the Presidents of the Council of State and the Legislative Assembly took his seat on the dais at a quarter after nine of the clock.

**H. E. the Viceroy :** The first Session of the reformed Indian Legislature has come to an end, and I am here to prorogue it with the ceremony which is traditional in the Mother of Parliaments. Throughout the Session your distinguished Presidents have led you in the paths of Parliamentary practice, and I am confident that you all have wished to be so led and to conduct your business in a manner consonant with the highest traditions of Parliamentary procedure.

On you has fallen a very special responsibility—the responsibility of founding a tradition, and I congratulate you on the manner in which you have risen to the height of your great opportunity. Government and non-officials alike were unfamiliar with the new procedure, and if mistakes have been made they were due to that unfamiliarity. But after all it is not so much the letter which matters, but the spirit—the spirit which giveth life. And what of the spirit which has informed your deliberations? I make bold to say that the tone and temper of your deliberations have been the outstanding feature of the past Session. Non-officials have shown a sense of balance and responsibility in their treatment of great questions, and the Government have endeavoured to give the fullest possible effect, consistent with their own responsibility to Parliament, to the governing principles of the new Constitution. The working of a Constitution, believe me, is no easy task. Any Constitution can be reduced to an absurdity if its constituent parts are unmindful of their responsibility to work it with good-will and fair play. British Constitutional institutions have flourished because of the spirit which has informed those who work them. It may interest you to be reminded of what Mr. Gladstone wrote of the British Constitution—‘The British Constitution’ he said ‘leaves open doors which lead into blind alleys; for it presumes more boldly than any other, the good sense and good faith of those who work it. If unhappily, these personages meet together, on the great arena of a nation’s fortunes, as jockeys meet upon a race-course, each to urge to the uttermost, as against the others, the power of the animal he rides, or as counsel in Court, each to procure the victory of his client, without respect to any other interest or right; then this boasted Constitution of ours is neither more nor less than a heap of absurdities’. Mr. Gladstone then goes on to depict how each portion of the Constitution could wreck the working of the whole by a strict adherence to the letter of its powers. He proceeds however—‘But the assumption is that the depositaries of power will all respect one another; will evince a consciousness that they are working in a common interest for a common aim; that they will be possessed, together, with not less than an average intelligence, of not less than an average sense of equity and of public interest and rights.’

It is in the spirit of this passage that my Government have approached the new Constitution. It is in the spirit of this passage that members have

[ H. E. the Viceroy. ]

worked this Session. Even the British Constitution, as Mr. Gladstone has shown, may break down if it is worked in any way other than that of mutual respect and in a common interest for a common aim. It is, then, in the belief that it is with good sense and good-will that the new Constitution will be worked that I have faith in what I have set my hand to.

It is the first step which counts, and this first Session should go far to dispel the doubts of those who have looked upon our new constitutional departure with gloomy forebodings. It should go far to hearten those who are pledged to fight the constitutional cause against the forces of disorder and anarchy. But for those who have displayed such conspicuous wisdom and courage in launching the new Constitution on right lines, there still remains work to do. There is need for the spreading of the constitutional gospel in the country. You will then, I hope, in your recess make an organised effort to teach people what this reformed Constitution means; that real powers—not sham—are vested in the Councils, and how surely through these Councils progress must come.

And now it falls to my lot to bid you farewell. Before you meet again another will stand in my place, one who is marked out by achievement, by experience and by character as offering the promise of a great Viceroyalty. I know I can assure him of a warm and hearty reception on the part of you all. He will find difficulties to meet him, but they are, I think, less than they appeared likely to be some six or seven weeks ago. My constant thought and endeavour has been to smooth his path, and in that, I believe, I have been in large measure successful. But I would not in saying this be unmindful of the mission of healing in which His Royal Highness the Duke of Connaught played so conspicuous and great a part. India has had on many occasions reason to be grateful to its British Emperors. This last visit of His Royal Highness, taken at the instance and by command of His Majesty, is one more proof of the constant solicitude of His Majesty for the well-being of his Indian subjects.

We have gone through troublous times during the past five years, but I ask you to look upon India's position in the Empire and at Home in 1916 and to-day. She has now an assured position in the Imperial Cabinet and her sons voice her views at its meetings. At Home Indians occupy the highest posts in Government, are responsible for the policy in those subjects which go to promote a country's well-being and in the rest exercise a far-reaching influence. In the sphere of the Indian Legislature you know your powers and in the Provincial Councils the powers and responsibility are even greater.

And all this has been accomplished during a period disturbed by war and the aftermath of war; nor was it at the expense of India's effort, for no one can gainsay that effort nor its decisive influence upon the war. My participation in your affairs is now at an end. It has been a high privilege to have been your Governor General during this great epoch. It is for you now to justify our great adventure. I have no fear that you will fall short of what is required of you. What is well begun is half done. Continue to exhibit the courage, the sobriety, the sense of responsibility of this first Session and there can be no doubt that your labours will not be in vain. I commend both you and them to the guidance of divine Providence.

I now declare this Session prorogued.



मसुरी  
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